

S. No.209

2024:PHHC:023845

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35993 of 2023

Date of Decision:21.02.2024

Kasam

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. Sarfraj Anjum Mor, Advocate for the complainant.
Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

In the light of the order dated 06.11.2023, status report by way of affidavit dated 17.02.2024, of Shri Surender Kumar, HPS, Deputy Superintendent of Police, Nuh has been filed on behalf of the respondent- State, as per which one of the injury on the person of Momina was found to be grievous in nature as well as dangerous to life and on that basis, Section 307 IPC was added.

Petitioner was earlier allowed regular bail by Sub Divisional Judicial Magistrate, Ferozepur, Jhirka in case FIR No.11 of 2023 registered under Sections 148, 149, 323, 325, 452, 506 IPC at Police Station Ferozepur Jhirka. Later on during investigation, Section 307 IPC was added and Police wants to arrest him because of the addition of Section 307 IPC and for this reason, the petitioner has approached this Court seeking anticipatory bail.

Learned counsel for the petitioner has referred to a judgment of Hon'ble Supreme Court in **Manoj Suresh Jadhav and others Vs. The State of Maharashtra, 2018(5) R.C.R. (Criminal) 397**, wherein it has been held by Hon'ble Supreme Court that if after grant of bail, a graver offence is added later

on, it is not permissible to simply re-arrest the petitioner by ignoring the earlier bail order and that State may apply for cancellation of bail and seek custody of the petitioner. Learned counsel also refers to judgments of this High Court in Upender Vs. State of Haryana, 2014(5) RCR (Criminal) 532, Manpreet Singh and Another Vs. State of Haryana, Law Finder Doc Id#1805561 and a judgment of Allahabad High Court in Shahzad Vs. State of U.P., Law Finder Doc Id#2043302, wherein the petitioners were allowed bail and later on Section 307 IPC was added and the anticipatory bail was allowed.

Learned State Counsel could not refute any of the afore-said contentions.

In view of the above, present petition is hereby accepted. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

February 21, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No