

Nischal Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 18, 2001

Hon'ble Judges: V.M.Jain, J

Advocate: Mr. S.S. Dinarpur, Advocate; Mr. Yash Pal, AAG, Haryana assisted by Mr. Sunil Panwar, Advocate.,
Advocates for appearing Parties

Judgement

V.M Jain, J.

1. Initially, the FIR was registered under Sections 304B/498A, IPC. During the investigation, the offence was converted from 304B to 306 IPC.

The accusedpetitioner was arrested in this case and was released on bail under Section 167(2) Cr.P.C., as the challan was not submitted within 60

days. Subsequently, after completion of the investigation, the challan was submitted in the Court under Sections 304B/304/498A IPC. The learned

Additional Sessions Judge, ordered the framing of charge under Sections 304B/302/498A IPC against the accusedpetitioner, who is husband of

the deceased. The accusedpetitioner continued to remain on bail.

2. It has been submitted that during the intervening period, the complainant respondent No. 2, Satish Kumar, had filed an application before the

trial Court for the cancellation of the bail. The said application is stated to be still pending. The accusedpetitioner has now filed the present petition

for the grant of anticipatory bail, for the offences under Sections 302/304B/498A IPC, on the ground that at the time, when he has released on bail

under Section 167(2) Cr.P.C., the offence was only under Section 306 IPC.

3. After framing of the charge, the statement of one prosecution witness was recorded. Thereafter, an application under Section 319 Cr.P.C. was

filed for summoning Naresh Kumar etc. as accused in this case. The said application is stated to be under consideration.

4. After hearing the learned counsel for the parties and after the record and without expressing any opinion on the merits of the case, it is directed

that in case the accusedpetitioner moves an application before the learned Additional Sessions Judge (trial Court) for being released on bail, for the

offences under Sections 304B/304/498A IPC in this case, he shall be released on bail by the learned trial Court for the aforesaid offences.