

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M 10867 of 2015

Date of decision : 09.04.2015

Balwinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. APS Deol, Sr. Advocate with
Mr. Daldeep Singh, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. S.S. Sandhu, Advocate for the complainant.

RAJAN GUPTA J.

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners vide FIR No. 59 dated 07.07.2014 at Police Station Rampura, District Bathinda.

Learned counsel for the petitioner submits that petitioner has been summoned as an additional accused to face trial in an offence under section 302/34 IPC and section 27 of the Arms Act. He contends that PW-1 (Karam Singh) stepped into the witness box and stated that petitioner exhorted the accused Avtar Singh @ Tari to fire on the deceased. On the basis of this statement, petitioner has been summoned under section 319 Cr.P.C. According to him, petitioner is ready to face trial and does not intend to challenge the order passed under section 319 Cr.P.C.

Learned State counsel has opposed the prayer.

Heard.

It is evident that petitioner has been named by the complainant in the FIR. However, in the investigation, petitioner was found innocent and placed in column no. 2. He has now been summoned in exercise of power under section 319 Cr.P.C. Since the petitioner is ready to surrender before the trial court and face trial, this court deems it fit to grant the concession of anticipatory bail to him. Accordingly, the petition is allowed and it is directed that in case petitioner surrenders before the trial court on the next date of hearing and furnishes bail bonds, he shall be admitted to bail to the satisfaction of the trial court.

April 09, 2015

Ajay

(RAJAN GUPTA)
JUDGE