

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-1432 of 2015 (O&M)
Date of decision: 12th February, 2015

Rakesh Kumar alias Ricky Mahasha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Karanjit Singh, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab,
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner has preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.120 dated 02.07.2012, registered at Police Station Sultanwind, District Amritsar, under Section(s) 302/34 IPC.

Notice of motion was issued. Learned State counsel appeared and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The petitioner is not named in the FIR. He was found innocent during investigation. The petitioner has been summoned as an additional accused on the application under Section 319 Cr.P.C. Even in the supplementary statement of complainant, the petitioner was not stated to be armed with 'baseball'. The complainant, while appearing as a witness before the learned trial Court, has made statement that the petitioner-accused was armed with 'baseball' and

inflicted injury. Otherwise, the allegations were against the co-accused. The petitioner is not required for any investigation or interrogation purposes nor anything is to be recovered from him. He has already appeared before the learned trial Court as per directions of this Court and has been released on interim bail by the learned trial Court. The presence of petitioner is required only to face the trial. No useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case and without discussing the merits of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the order dated 19.01.2015, passed by this Court, granting interim bail to the petitioner, is made absolute.

12th February, 2015
mamta

(INDERJIT SINGH)
JUDGE