

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-29084-2015
Date of decision:2.9.2015**

Vinod Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Deepak Gupta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.35 dated 25.5.2011 registered under Sections 302/34 of the Indian Penal Code at Police Station Phase XI, SAS Nagar (Mohali).

Learned counsel for the petitioner places reliance on three orders of this Court in **Nischal v. State of Haryana 2005 (1) RCR (Crl.) 586**, **Sukhdev Singh v. State of Punjab 2009 (5) RCR (Crl.) 767** and **Ravi Kumar v. State of Haryana 2015 (1) Law Herald 853**, to contend that under somewhat similar circumstances, concession of anticipatory bail was granted by this Court. He further submits that since the report under Section 173 (2) Cr.P.C. has already been presented, petitioner is not required for custodial interrogation. He would next contend that petitioner being the brother-in-law, he had no role to play in the matrimonial dispute which was the real genesis of the occurrence. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail.

It is a matter of record that this Court passed a detailed order dated 3.7.2015 (Annexure P-3) in CRR No.2780 of 2013 (Parveen Kumar v. State of Punjab and others) available from pages 37 to 70 of the paper-book

and this order has become final against the petitioner. It is also not in dispute that the offence is under Section 302 IPC and allegations are serious in nature. All these aspects were discussed, considered and appreciated by this Court in detail, while passing the order dated 3.7.2015. Petitioner challenged the said order dated 3.7.2015 before the Hon'ble Supreme Court but his SLP has been dismissed and the order (Annexure P-3) passed by this Court has become final against the petitioner.

So far as the above-said three orders relied upon by the learned counsel for the petitioner are concerned, there is no dispute about the observations made therein. However, on close perusal of the said orders, none of them has been found of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others**, 2002 (3) SCC 533.

In view of the above and without commenting anything further on merits of the case at this stage, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

2.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE