

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

**Criminal Misc. No. M- 32450 of 2015
Date of Decision: 22.9.2015**

Vinod Kumar

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ashok Singla, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 47 dated 22.2.2015 under Sections 302/34 IPC, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that petitioner had no role to play. Petitioner was owner of the shop on which deceased was working. He further submits that quarrel took place between workers of the shop of the petitioner, because of which the complainant named Aashandeep Singh as the main accused. This was the reason that petitioner was declared innocent by the investigating agency. However, learned trial court summoned the petitioner as an additional accused with the aid of Section 319 Cr.P.C., to face criminal trial. He concluded by submitting that in such a situation, custodial interrogation of the petitioner would not be required and he is entitled for the concession of anticipatory bail. 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

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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 so said because allegations levelled against the petitioner in the FIR are direct and serious. Complainant specifically named the petitioner and attributed fatal blow with knife to the petitioner. It was attributed to the petitioner that he caused knife blow on the chest of the deceased, which was ultimately found to be the cause of death. Since the investigating agency put the petitioner in column No.2 during the course of investigation, learned trial court summoned the petitioner as an additional accused to face the criminal trial vide a self contained order dated 31.8.2015 (Annexure P-12).

No doubt, petitioner was trying to win over Sukhwinder Singh when he appeared in the court as PW1. However, since the petitioner was not only named in the FIR but specific and direct attribution was there against him right from day one, learned trial court found more than a prima facie case against the petitioner, to summon him as an additional accused.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that petitioner is not entitled for the concession of anticipatory bail. No case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

22.9.2015
AK Sharma