

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-23361 of 2016

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Date of decision:27.7.2016

Raghav Sood

...Petitioner

v.

Union Territory, Chandigarh

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.S. Cheema, Senior Advocate with Mr. R.K. Trikha,
Advocate for the petitioner.

Mr. A.S. Virk, Standing Counsel, U.T., Chandigarh.

Mr. J.S. Bedi, Senior Advocate with Mr. H.S. Multani,
Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.10 dated 8.1.2016 (Annexure-P.1) registered for the offences under Sections 147, 148, 149, 323, 325, 307, 427 and 506 read with Section 25 of the Arms Act and (Section 302 IPC, which was added later on 18.6.2016) at Police Station Sector 34, Chandigarh.

Notice of motion was issued in this case.

Mr. A.S. Virk, learned Standing Counsel has put in appearance on behalf of U.T., Chandigarh and Mr. J.S. Bedi, learned Senior Advocate assisted by Mr. H.S. Multani, Advocate has appeared for the complainant

and contested this petition.

I have heard learned counsel for the parties as well as learned Standing Counsel for U.T., Chandigarh and have gone through the record.

From the record, I find that the occurrence took place on 8.1.2016 and the FIR was registered on the same day. The present petitioner was arrested on 2.2.2016 on the basis of disclosure statement of co-accused that he was also with him. The present petitioner is not named in the FIR. Learned Additional Sessions Judge, Chandigarh, granted the bail to the present petitioner under Section 307 IPC etc. The victim in the present case died on 17.6.2016 and the offence under Section 302 IPC has been added on 18.6.2016. The injuries were received by three persons. Two injuries were received by Pardeep (deceased), four injuries were received by the complainant and three injuries were received by Prince.

Learned senior counsel for the petitioner argued that the present petitioner is not required for any investigation or interrogation purposes as he was already arrested on 2.2.2016 and was released on regular bail after 45 days. He remained in custody on the same facts. He also argued that the petitioner is not named in the FIR. No specific injury is attributed to him. He was only nominated in the present case on the disclosure statement of co-accused and no cogent evidence has been collected by the Investigating Officer against him. He further argued that even in the remand papers and in the bail order passed by learned Additional Sessions Judge, Chandigarh, it is mentioned that the petitioner has been nominated/arrested on the basis of disclosure statement of co-accused. He argued that the name of the

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petitioner has now also been shown in the statement recorded under Section 161 Cr.P.C. of Prince, but even in the challan there is no such mention that the present petitioner was named by Prince-injured in his statement.

After going through the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of this case, I find that the petitioner is already on bail since 17.3.2016 and there is nothing on the record that he has misused the concession of the bail. Nothing is to be recovered from him. He is not named in the FIR. He was arrested only on the basis of disclosure statement made by co-accused. Hence, I find it a fit case where the petitioner is entitled to the benefit of anticipatory bail as no useful purpose will be served by sending him in custody again as the trial of the case will take long time.

Therefore, this criminal miscellaneous petition is allowed and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/ Investigating Officer.

July 27, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No