

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

CRM-M-25225 of 2016 (O&M)

Date of decision: 04.10.2016

Jaswinder Singh @ Jassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

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

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Rajat Malhotra, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.378, dated 19.11.2015, registered under Sections 302 and 120-B IPC, at Police Station Focal Point, District Ludhiana.

The learned counsel for the petitioner states that during the course of investigation, no incriminating evidence was found against the petitioner and subsequently, he was discharged on an application moved by the prosecution, vide order dated 22.12.2015. The challan was filed only qua main accused Amitpreet Singh. He further states that despite there being fresh circumstance or evidence, on an application filed by the complainant under Section 190 Cr.P.C. the petitioner was summoned to face the proceedings. Neither the

petitioner was present at the spot nor any recovery was effected from him. In support of his contentions, the learned counsel cites **Bhagwant Singh** Vs. **Commissioner of Police**, 1985(2) RCR (Criminal) 259, **Rajinder Kumar** Vs. **State of Haryana**, 2008(3) AICLR 507 and **Pravin** Vs. **State of Maharashtra and another**, 2012 ALL MR (Cri) 1189.

On the other hand, the learned State counsel and learned counsel for the complainant oppose the bail application.

Heard.

The petitioner has been summoned by the trial Court on an application filed by the complainant, which was allowed on 09.05.2016. The petitioner instead of surrendering to the process of the Court has not only evaded service of notice but has also successfully evaded his arrest and has opted to approach this Court. The ratio of case law cited by the learned counsel for the petitioner is distinguishable on facts and does not apply in the present case. Keeping in view the gravity of offence, no case for bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.10.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No