

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-26648 of 2016

.....

Date of decision:30.8.2016

Jitender Singh alias Jittu

.....Petitioner

v.

Union Territory, Chandigarh

.....Respondent

.....

Present: Mr. Gobind Dhanda, Advocate for the petitioner.

Mr. A.S. Virk, APP, for respondent-U.T., Chandigarh.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.10 dated 8.1.2016 registered for the offences under Sections 147, 148, 149, 323, 325, 307, 427 and 506 IPC and (Section 302 IPC, which was added later on) at Police Station Sector 34, Chandigarh.

Notice of motion was issued in this case.

Mr. A.S. Virk, learned APP has put in appearance on behalf of the respondent-U.T., Chandigarh and contested this petition.

I have heard learned counsel for the petitioner as well as learned APP 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 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 65 days. He remained in custody on the same facts. He also argued that the petitioner is not named in the FIR nor any role is attributed to him. No specific injury is attributed to him. He has been only nominated in the present case on the disclosure statement of co-accused. The trial is going on. The supplementary challan under Section 302 IPC has not been filed so far.

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 has already joined the investigation and is not required for interrogation purposes and nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody again. 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 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 Officer/Trial Court.

August 30, 2016.

(Inderjit Singh)
Judge

hsp

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