

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

CRM-M No. 27606 of 2016
Date of decision : August 23, 2016

Sachin Kumar,

..... Petitioner

v.

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. NS Shekhawat, Advocate
for the petitioner.

Mr. Satish Saini, DAG Haryana

Mr. RN Kush, Advocate
for respondent No.2.

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR
No.168, dated 8.5.2015, registered under Sections 323, 324, 452, 506,
34, 307, 302 of the IPC, at Police Station Barwala, District Hisar.

The precise grievance of the petitioner is that he was
summoned under section 319 of the Cr.P.C to stand trial. He applied for
anticipatory bail but the trial Court held that the application was not

maintainable before it.

Counsel for the petitioner has argued that this finding is flawed in law and it cannot be held that merely because a Court had deemed it to be a fit case to summon an accused under Section 319 of the Cr.P.C, it would have no jurisdiction to consider grant of anticipatory bail to such an accused.

Learned DAG Haryana as well as counsel for respondent No.2 are not in a position to refute this argument in law.

In these circumstances, finding of the trial Court that the application for anticipatory bail was not maintainable before it is set aside and the matter is remitted back to the trial Court for a fresh decision. It is further directed that till such time the application for anticipatory bail is not decided on merits, no coercive steps be taken against the petitioner. Parties, through their counsel, are directed to appear before the trial Court on 8.9.2016.

August 23, 2016
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No