

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

**CRM-M-29522 of 2016
Date of decision-27.08.2016**

**Ramesh Chand
Vs.
State of Haryana**

**...Petitioner

...Respondent**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of Code of Criminal Procedure (for short 'Cr.P.C') seeking anticipatory bail in FIR No.404 dated 18.06.2015 registered under Section 302 read with Section 34 IPC at Police Station Sadar Karnal, District Karnal. The petitioner has been summoned under Section 319 Cr.P.C.

Learned counsel contends that in the lie detection test, nothing incriminating has come out against the petitioner. The petitioner has been summoned under Section 319 of Cr.P.C. The only allegation against the petitioner is that he is named in the FIR. No specific role has been attributed to the petitioner. Learned counsel has placed reliance on order passed by this Court in “*Baljinder Singh and another Vs. State of Punjab*”, 2015 (3) RCR (Crl) 950.

I have heard learned counsel for the petitioner and perused the material on record.

From the perusal of the record, it emerges that the deceased spoke to complainant Ajay Chaudhary on phone and had specifically told him that the petitioner along with co-accused had given injuries to him as a

result of which deceased succumbed to the injuries. Lie detection test and the investigation carried out by the prosecution do not hold good, in view of the application moved by the prosecution under Section 319 of Cr.P.C wherein Court has recorded specific reasons for summoning the accused, Otherwise also the petitioner has been specifically named in the FIR and a specific role has been attributed to him. The order cited by the learned counsel is not applicable in the present case as even in the said order itself, it has been held that it will vary from the facts and circumstances of each case to use the discretion.

In view of the same, no case for anticipatory bail is made out.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

August 27, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No