

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

**CRM-M-2989 of 2016 (O&M)
Date of decision:05.02.2016**

Rajeev Kumar Sharma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Shiv Kumar, Advocate for the petitioner.
Ms. Manpreet Dhaliwal, AAG, Punjab.
Mr. Naveen Jaglan, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

Present petition has been filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner pending trial in case FIR No.35 dated 25.05.2011 under Sections 302/34 IPC, registered at Police Station Phase XI, Mohali, District Mohali.

Deceased in the present case is Sonia. Present petitioner is the husband of deceased. There would be no dispute as regards the factual position that during the course of investigation, petitioner had been found innocent and as such had not been nominated as an accused in the final report submitted under Section 173 Cr.P.C. An application filed by the prosecution under Section 319 Cr.P.C. praying to summon the present petitioner as additional accused was declined by the trial Court. Subsequently, it is while accepting the revision petition that this Court had accepted the prayer and summoned the present petitioner as also his brother, namely, Vinod Sharma as additional accused.

Having argued the matter at some length, counsel submits that he would not be pressing the instant petition at this stage as the complainant

i.e. brother of the deceased is yet to be examined before the trial Court after the application under Section 319 Cr.P.C. having been allowed.

In the light of such submissions made by counsel for the petitioner, the present petition is dismissed as not pressed at this stage.

05.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**