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

**CRM-M-34118-2017
Date of Decision: 04.10.2017**

Mandeep and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. DPS Bajwa, Advocate,
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

This is a petition for pre-arrest bail by the petitioners, who have been summoned to face trial for the offences under Sections 121-B, 148, 149 and 302 of the IPC. They were originally named in FIR No.132, dated 22.06.2016 but after investigation, their names were shown in Column No.2 on account of which, they were not sent up for trial as the Investigating Officer apparently did not find sufficient material/evidence to implicate them.

[2]. However, during the course of trial, complainant Om Parkash while deposing as PW-1 again stated about involvement of the petitioners in the alleged occurrence after which they were summoned as accused persons by allowing an application under Section 319 of the Cr.P.C. filed by the complainant through the State.

[3]. Ld. counsel for the petitioners has cited a decision of a co-ordinate Bench of this Court in **CRM-M-13285-2015** titled as "**Bajinder**

Singh and another Vs. State of Punjab”, in that case, relying upon the decision of the Hon'ble Supreme Court in “Gurbaksh Singh Sibbia etc. Vs. The State of Punjab”, 1980 AIR (SC) 1632, pre-arrest bail was granted to the added accused persons, who had been summoned to face trial for similarly grievous offences under Sections 302/307 IPC read with Section 27/54/59 of the Arms Act. It was *inter alia* held that as the petitioners were being summoned for trial after they had been originally not sent up by the Investigation Officer, they were clearly not “required for the purpose of investigation”.

[4]. The case of the present petitioners is virtually identical with that in the decisions cited.

[5]. As such their petition is allowed and they are ordered to be released on anticipatory bail to the satisfaction of Ld. Trial Court subject to compliance of all the applicable under Section 438(2) Cr.P.C.

[6]. Disposed off.

04.10.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No