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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.21952 of 2018
Date of Decision: 22.05.2018

Bhupinder Singh @ Bhinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Mr. K.S. Dhaliwal, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail on behalf of the petitioner in case bearing FIR No.0010, dated 21.02.2017, under Sections 302, 324, 323, 148, 149, 201, and 120-B of the Indian Penal Code, registered at Police Station Banur, District Patiala (Annexure P-1).

2. Notice of motion.

3. At this stage, on the asking of the Court, Mr. Kirat Singh Sidhu, Senior D.A.G., Punjab, accepts notice on behalf of the State.

4. The petitioner was summoned under Section 319 of the Code

of Criminal Procedure vide order, dated 05.04.2018, (Annexure P-2) passed by the Ld. Additional Sessions Judge, SAS Nagar, Mohali, to face trial as additional accused. He approached the Ld. Additional Sessions Judge, Mohali, under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail and his prayer for anticipatory bail was rejected vide order dated 01.05.2018 (Annexure P-3).

5. Various Co-ordinate Benches of this Court have granted anticipatory bail to applicants summoned to face trial under Section 319 of the Code of Criminal Procedure involving more equal heinous/grievous offences by relying upon the decision of the Hon'ble Supreme Court in **“Gurbaksh Singh Sibbia etc vs. State of Punjab”, 1980 AIR (SC) 1632** and a decision of Co-ordinate Bench of this Court in ***CRM-M No.13285 of 2015*** titled **“Bajinder Singh and another vs. State of Punjab”**. It has been held, *inter alia*, in those decisions that as the petitioners were being summoned for trial after they had not been originally sent up by the Investigating Officer, they were clearly, “not required for the purpose of investigation”.

6. The case of the present petitioner is similar to those covered under the decisions referred to above.

7. Furthermore, the petitioner was not sent up by the Police to face trial vide challan under Section 173 of the Code of Criminal Procedure and he has been summoned under Section 319 of the Code of Criminal Procedure only. Therefore, the case of the present petitioner is not different from the above decisions.

8. Consequently, this Court finds no reason to deny the same

benefit to the present petitioner namely Bhupinder Singh @ Bhinda, who may, therefore, be released on bail to the satisfaction of the Ld. Trial Court, concerned, in the present case, i.e. FIR No.0010, dated 21.02.2017, under Sections 302, 324, 323, 148, 149, 201, and 120-B of the Indian Penal Code, registered at Police Station Banur, District Patiala (Annexure P-1), subject to compliance of terms and conditions envisaged under Section 438(2) of the Code of Criminal Procedure and other term/condition as may deem appropriate.

9. Disposed off.

22.05.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No