

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33952-2018
Date of Decision: 03.12.2018

Vinod Kumar @ Kalu

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.K.Bhatti, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Navraj S. Mahal, Advocate
for the complainant.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 164 dated 31.08.2016 under Sections 307/148/149 IPC read with Section 25 of the Arms Act (added lateron), registered at Police Station Division No.8, Jalandher.

Counsel for the petitioner submits that while submitting report under Section 173 Cr.P.C., the petitioner was not even kept in Column No.2 and no challan was presented against him.

Counsel for the petitioner further submits that after SLP filed by the petitioner, praying for anticipatory bail, was dismissed, he surrendered before the trial Court in pursuance to the summoning order under Section 319 Cr.P.C. and he is in judicial custody since 25.07.2018. Counsel further submits that in fact 06 persons have been challenged at the first instance who were arrested and they are facing the trial and petitioner is no required for custodial investigation as he was found innocent.

Learned State counsel, on instructions from Investigating Officer and assisted by learned counsel for the complainant, has, however, opposed the prayer for bail on the ground that as per the statement of the complainant under Section 161 Cr.P.C., the petitioner was specifically named.

Without commenting anything on the merits of the case, considering the fact that challan has not been presented against the petitioner, however, he has summoned later on under Section 319 Cr.P.C. and has surrendered after dismissal of his SLP and is in judicial custody since 25.07.2018, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

03.12.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No