

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-41170-2018

Date of decision: 19.09.2018

Harjinder Kumar @ Jinder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Deepak Bhardwaj, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner, in case FIR No. 73 dated 29.09.2015, registered under Sections 307, 324, 323, 380 427, 148 and 149 IPC (Sections 325, 326 and 452 IPC were added and Section 307 IPC was deleted later on) at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

According to the prosecution, final report under Section 173(2) Cr.P.C. was filed against co-accused-Gurpreet @ Gopi and Jaskaran, under Sections 326, 452, 325, 324, 323, 380, 427 and 148 read with Section 149 IPC placing the name of petitioner in column No. 2, declaring him as innocent. The petitioner was summoned upon application of the prosecution under Section 319 Cr.P.C. as additional accused. Pursuant thereto, the petitioner moved anticipatory bail application which was allowed by the trial Court vide order dated 05.08.2017. However, the prosecution further moved another application dated 05.01.2018 (Annexure

P-2) under Section 323 Cr.P.C. to commit the case to the Court of Sessions and charge-sheet the petitioner and his co-accused under Sections 307 and 450 IPC.

Perusal of the file shows that as on date there is no order against the petitioner to charge-sheet him under Sections 307 and 450 IPC, nor application of the prosecution for committing the case to the Court of Sessions, has been allowed. Therefore, the instant petition, being premature, is liable to be dismissed.

The facts and circumstances of the order dated 19.01.2018 passed in CRM-M-2323-2018 (Col. Manvir Singh Bains Vs. State of U.T. Chandigarh), by a co-ordinate Bench of this Court, relied upon by learned counsel for the petitioner are totally distinguishable from the facts and circumstances of the instant case, therefore, no benefit whatsoever of the same can be given to the petitioner.

Dismissed.

September 19, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No