

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43857-2018 (O&M)

Date of decision: 09.10.2018

Ganesha @ Naveen and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Hemant Bassi, Advocate,
for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

Mr. Pratham Sethi, Advocate
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.283 dated 15.04.2016 under Sections 302, 307, 34, 120-B of IPC and Sections 25/30 of Arms Act, 1959, registered at Police Station City Hansi, District Hisar.

Learned counsel for the petitioners contends that originally the petitioners were not found involved in the case. Therefore, no challan was filed against petitioner No.1-Ganesha @ Naveen. Although challan was filed against petitioner No.2- Munish Narula, however, the police had filed a specific application seeking discharge of petitioner No.2. Accordingly, the trial Court had discharged the petitioner No.2. Now the petitioners have been asked to face the trial while exercising powers 319 Cr.P.C. It is contended that although there is no sufficient material against the petitioners, yet, they would appear before the trial Court and face further proceedings in accordance with law. Accordingly, it is prayed that the petitioners be protected against their arrest.

Learned counsel for the complainant has vehemently opposed the prayer while submitting that there are specific allegations against the petitioners and have rightly been arrayed as an accused for the offence under Section 302 of IPC. Therefore, the petitioners do not deserve protection against their arrest.

Learned State counsel, being instructed by HC Ravi Kumar, submits that since the Court has summoned the petitioners as an accused, therefore, they are liable to be proceeded against, in accordance with law.

This Court find substance in the argument of learned counsel for the petitioners that since the petitioners have already been interrogated by the police during the investigation, therefore, they may not be required for any further investigation. Petitioners have been summoned by the trial Court under Section 319 of Cr.P.C.

In view of the facts and circumstances, it would not be unjustified if the petitioners are directed to appear before the trial Court to face the proceedings, after being protected against their arrest.

Resultantly, the present petition is allowed. The petitioners are directed to appear before the trial Court on or before 12.10.2018. However, it is further directed that in case, the petitioners so appear before the trial Court, then they shall be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

09.10.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No