

**210/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43893-2018 (O&M)

Date of decision: 09.10.2018

Vicky @ Vipin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Narender Kaajla, Advocate,
for the petitioner.

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 petitioner 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 petitioner contends that originally the petitioner was not found involved in the case. Therefore, no challan was filed against the petitioner. Now the petitioner has been asked to face the trial while exercising powers under Section 319 Cr.P.C. It is contended that although there is no sufficient material against the petitioner, yet, he would appear before the trial Court and face further proceedings in accordance with law. Accordingly, it is prayed that the petitioner be protected against his arrest.

Learned counsel for the complainant has vehemently opposed the prayer while submitting that there are specific allegation against the petitioner and has rightly been arrayed as an accused for the offence under

Section 302 of IPC. Therefore, the petitioner does not deserve protection against his arrest.

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

This Court find substance in the argument of learned counsel for the petitioner that since the petitioner has already been interrogated by the police during the investigation, therefore, he may not be required for any further investigation. Petitioner has 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 petitioner is directed to appear before the trial Court to face the proceedings, after being protected against his arrest.

Resultantly, the present petition is allowed. The petitioner is directed to appear before the trial Court on or before 12.10.2018. However, it is further directed that in case, the petitioner so appears before the trial Court, then he shall be released on bail on his 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