

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.48265 of 2017

Date of Decision : 08.01.2018

Vikas Kumar @ Vicky and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM :HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Partap Singh, Advocate
for the petitioners.

Ms. Sandeep Vashisth, Dy. Advocate General, Haryana
for the respondent-State.

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 petitioners in case FIR No.224 registered under Sections 148, 149, 323, 324, 326, 506 of the Indian Penal Code at Police Station Kurukshetra, District Kurukshetra and correction of date of FIR as the date of FIR is 14.09.2014 instead of 14.09.2017.

2. The petitioners were summoned under Section 319 Cr.P.C. vide order dated 30th November, 2017 passed by the Additional Chief Judicial Magistrate, Kurukshetra to face trial as additional accused. They approached the Ld. Sessions Judge,

Kurukshetra under Section 438 of the Cr.P.C. for grant of anticipatory bail and their prayer for anticipatory bail was rejected vide order dated 11th December, 2017.

3. A perusal of the order of dismissal of their bail application would reveal that the date of FIR in the said order finds mentioned as 14th September, 2017 instead of 14th September, 2014.

4. Various Co-ordinate Benches of this Court have granted anticipatory bail to applicants summoned to face trial under Section 319 of the Cr.P.C. 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 ***Bajinder Singh and another vs. State of Punjab-CRM-M No.13285 of 2015***. 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”.

5. The case of the present petitioners is similar to those covered under the decisions referred to above.

6. Furthermore, the petitioners were not sent up by the

Police to face trial vide challan under Section 173 of the Cr.P.C. and they have been summoned under Section 319 of the Cr.P.C. only. Therefore, the case of the present petitioners is not different from the the above decisions.

7. Consequently, this Court finds no reason to deny the same benefit to the present petitioners namely Vikas Kumar @ Vicky and Randeep Singh, who may therefore be released on bail to the satisfaction of the Ld. Trial Court concerned in the present case i.e. FIR No.224 dated 14th September, 2014 (instead of 14th September, 2017) registered under Sections 148, 149, 323, 324, 326, 506 of the Indian Penal Code at Police Station Kurukshetra, District Kurukshetra subject to compliance of terms and conditions envisaged under Section 438(2) Cr.P.C. and other term/condition as may deem appropriate.

8. Disposed off.

January 08, 2018
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No