

205

**THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.6402 of 2018
Date of Decision: 29.05.2018**

Saleem

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sukhdeep Parmar, Advocate,
for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

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 petitioner in case bearing FIR No.98, dated 21.01.2016, under Sections 302/34 IPC and Section 25/54/59 of Arms Act, registered at Police Station Panipat, District Panipat (Annexure P-1).

2. Notice of motion was issued on 15.02.2018 for today and petitioner was granted interim bail meanwhile.

3. The petitioner, in nut shell, was summoned under Section 319 of the Code of Criminal Procedure vide order, dated 31.10.2017 passed by the Ld. Additional Sessions Judge, Panipat to face trial as additional

accused. He approached the Ld. Additional Sessions Judge, Mohali, under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail and his prayer for anticipatory bail was rejected vide order dated 04.01.2018 .

4. Various Co-ordinate Benches of this Court have granted anticipatory bail to applicants summoned to face trial under Section 319 of the Code of Criminal Procedure 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 ***CRM-M No.13285 of 2015*** titled **“Bajinder Singh and another vs. State of Punjab”**. 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 petitioner is similar to those covered under the decisions referred to above.

6. Furthermore, the petitioner was not sent up by the Police to face trial vide challan under Section 173 of the Code of Criminal Procedure and he has been summoned under Section 319 of the Code of Criminal Procedure only. Therefore, the case of the present petitioner is not different from the above decisions.

7. Consequently, this Court finds no reason to deny the same benefit to the present petitioner namely Saleem, who may, therefore, be released on bail to the satisfaction of the Ld. Trial Court, concerned, in the

present case, i.e. FIR No.98, dated 21.01.2016, under Sections 302/34 IPC and Section 25/54/59 of Arms Act, registered at Police Station Panipat, District Panipat (Annexure P-1), subject to compliance of terms and conditions envisaged under Section 438(2) of the Code of Criminal Procedure and other term/condition as may deem appropriate.

8. Disposed off.

29.05.2018

Manju

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No