

106

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.7696 of 2018
Date of Decision: 22.02.2018

Vishesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sumit Gupta, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., 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 FIR No.224, dated 14.09.2014, under Sections 148, 149, 323, 324, and 506 of the Indian Penal Code (Section 326 of the Indian Penal Code added later on), registered at Police Station KUK, District Kurukshetra, and correction of date of F.I.R. as the date of F.I.R. is 14.09.2014 instead of 14.09.2017.

2. The petitioner was summoned under Section 319 of the Code of Criminal Procedure vide order, dated 30.11.2017, passed by the

Additional Chief Judicial Magistrate, Kurukshetra, to face trial as additional accused. He approached the Ld. Sessions Judge, Kurukshetra, 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 20.02.2018.

3. 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 ***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”.

4. The case of the present petitioner is similar to those covered under the decisions referred to above.

5. 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 the above decisions.

6. Consequently, this Court finds no reason to deny the same benefit to the present petitioner namely Vishesh, 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 14.09.2014 (instead of 14.09.2017) registered under Sections 148, 149, 323, 324, and 506 of the Indian Penal Code (Section 326 of the Indian Penal Code added later on) registered at Police Station KUK, District Kurukshetra, 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.

7. Disposed off.

22.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No