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

**CRM-M-7768-2018
Date of Decision: 23.02.2018**

Sahil Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

[1]. Notice of motion.

[2]. On the asking of the Court, Ms. Rajni Gupta, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State. Let a copy of the paper-book be supplied to her during the course of the day.

[3]. The instant petition has been filed under Section 438 of the Cr.P.C. seeking anticipatory bail on behalf of the petitioner in case FIR No.22, dated 17.02.2016, under Sections 307, 326, 324, 323, 148, 149 and 506 of the IPC, registered at Police Station Garhshankar, District Hoshiarpur.

[4]. The petitioner was summoned under Section 319 of the Cr.P.C. vide order, dated 02.01.2018 (Anneuxre P-4), passed by the Ld. Additional Sessions Judge, Hoshiarpur, to face trial as an additional accused. He approached the Ld. Sessions Judge, Hoshiarpur, under Section 438 of the Cr.P.C. for grant of anticipatory bail and his prayer for anticipatory bail was

rejected vide order dated 08.02.2018 (Anneuxre P-5).

[5]. 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”.

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

[7]. Furthermore, the petitioner was not sent up by the Police to face trial vide challan under Section 173 of the Cr.P.C. and he has been summoned under Section 319 of the Cr.P.C. only. Therefore, the case of the present petitioner is not different from the the above decisions.

[8]. Consequently, this Court finds no reason to deny the same benefit to the present petitioner, namely, Sahil Kumar, who may, therefore, be released on bail to the satisfaction of the Ld. Trial Court concerned in the present case i.e. FIR No.22, dated 17.02.2016, under Sections 307, 326, 324, 323, 148, 149 and 506 of the IPC, registered at Police Station Garhshankar, District Hoshiarpur, subject to compliance of terms and conditions envisaged under Section 438(2) of the Cr.P.C. and other term/condition as may deem appropriate.

[9]. Disposed off.

23.02.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No