

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9238-2018 (O&M)
Date of decision: - 27.04.2018

Rajiv Verma alias Raju

.....Petitioner

Versus

Sarwan Singh

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. H.K. Aurora, Advocate,
for the petitioner.

Mrs. Taranjit Kaur Hunda, Advocate
for the respondent.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in a complaint Case No.23/1/2009 (CIS Case No.COMI 30900/2013 dated 16.01.2009, filed under Sections 302, 364, 120-B and 34 IPC.

2. It is contended by learned counsel for the petitioner that the cancellation report was already submitted by the police and the petitioner was declared innocent and therefore, prima facie, no case is made out against him.

3. On the other hand, learned counsel for the complainant has opposed the application on the ground that the petitioner was declared proclaimed offender way back on 18.04.2016 as he was deliberately evading the Court proceedings.

4. Heard learned counsel for both the sides and perused the paper-book.

5. Persual of order dated 19.11.2015 (P-2) passed by learned Additional Chief Judicial Magistrate, Jalandhar reveals that as per the testimonies of CW-1 and CW-2, prima facie, case is made out against the petitioner as the deceased was last seen in his company and thereafter, the dead body was found on the next date.

6. In view of the above-said facts and taking into consideration the gravity of the offences, the petitioner is not entitled to anticipatory bail and his custodial interrogation is necessary, in order to ascertain his role and for bringing the true facts on record. Thus, this Court does not find any merit in the present petition and the same is hereby dismissed.

7. The above observations may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

April 27, 2018
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Whether reportable?	Yes
Whether reasoned/speaking?	Yes