

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

**CRM-M No.2331 of 2019 (O&M)
Date of decision : 05.03.2019**

Dana Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Brar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. H.S.Randhawa, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.196 dated 06.10.2017 registered under Sections 307/336/506 IPC and Section 27 of the Arms Act, 1959 at Police Station Bhawanigarh, District Sangrur.

Counsel for the petitioner states that the petitioner was mentioned in column No.2 as he was found innocent by the police during the investigation and the challan was presented only against the co-accused- Gurjant Singh. He further states that thereafter, the prosecution filed an application under Section 319 Cr.P.C. for summoning the petitioner as an

additional accused but the said application was dismissed by the JMIC Sangrur vide order dated 23.05.2018. However, the complainant preferred a criminal revision before this Court and this Court allowed the revision of the complainant vide order dated 19.11.2018 by which the petitioner was summoned for facing the trial as additional accused.

Counsel for the complainant states that he has opposed the prayer for grant of anticipatory bail though the Deputy Advocate General on instructions from SI Geeta Ram has very fairly stated that this is a case where the petitioner has now been summoned under Section 319 Cr.P.C. and in case he is willing to face the trial she would not oppose the grant of anticipatory bail.

In my opinion, once it is not disputed that the petitioner was summoned under Section 319 Cr.P.C. and he is willing to face the trial no useful purpose would be served by sending him to pre-trial custody.

Consequently the petition is allowed and the trial Court is directed to confirm the interim bail granted to him. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

05.03.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No