

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

CRM-M No.10356 of 2019

Date of Decision: 07.03.2019

Upinder Chouhan

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Tribhawan Singla, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.205 dated 19.09.2018 registered under Sections 302, 323, 148, 149, 120-B IPC at Police Station Jamalpur, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that the challan was not presented against the petitioner and only his name was mentioned. No specific role has been attributed to the petitioner. The investigation has been completed and nothing is to be recovered from him.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

The name of the petitioner has specifically been mentioned in the FIR registered under Section 302 IPC as well as Sections 148, 149, 323 and 120-B IPC. Petitioner is not entitled for anticipatory bail only on the ground that the challan has not been presented as yet. Petitioner has been

shown to have not been arrested and it is not a case that he was found innocent by the police. Two accused have been arrested and even none has been released on bail.

Keeping in view the nature of offence: the allegations levelled against all of the accused and also the fact that the offence is under Sections 148, 149, 323, 120-B IPC along with Section 302 IPC, where the individual role is not to be seen, the petitioner does not deserve the concession of anticipatory bail and as such, the petition is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

07.03.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No