

CRM-M-12241-2019

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

CRM-M-12241-2019

Date of Decision: 20.03.2019

Charanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Vishal Rattan Lamba, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Ms. Rifi Birla, Advocate,
for the complaint.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.77 dated 19.10.2016, registered at Police Station Kotbhai, District Sri Muktsar Sahib, under Sections 302, 307, 379, 436, 336, 427, 324, 323, 148, 149 and 120-B of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of respondent-State and complainant has also appeared through his counsel. They contested this

CRM-M-12241-2019

petition.

I have heard learned counsel for the parties and gone through the record.

As per the FIR in the present case, three persons were killed and four-five persons received fire-arm injuries. The investigation was conducted by SIT, which found the present petitioner as innocent during the investigation. During the trial, the present petitioner has been summoned to face trial by the trial Court on the application filed by the prosecution under Section 319 Cr.P.C. The petitioner is not required for custodial interrogation and nothing is to be recovered from him. He is now only to face the trial.

Learned counsel for the petitioner submitted that the petitioner is stated to be armed with rifle, but he has no licensed rifle with him. He further submitted that during investigation, no rifle has been recovered from him. He has also produced copy of post-mortem report to show that from the wounds of deceased, pellets have been recovered and there was no injury caused by rifle.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioner, who was found innocent during investigation, has been summoned by the trial Court under Section 319 Cr.P.C and he is now only to face the trial. Therefore, no useful purpose will be served by sending the petitioner to custody and then to keep him in custody till the final disposal of the case.

CRM-M-12241-2019

Finding merit in the present petition, the same is allowed. The petitioner is directed to surrender before the trial Court within 15 days from today and on doing so, he shall be released on bail by the trial Court to its satisfaction.

20.03.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No