

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

**Crl. Misc. No.M-12687 of 2019 (O&M)
Date of Decision: July 16, 2019**

Daljit Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. C.S. Rana, Advocate
for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. A.K. Sama, Advocate
for complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure (for short-Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No.29 dated 29.05.2018 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, at Police Station Amir Khas, District Fazilka, wherein the petitioner has been summoned to face trial as additional accused vide order dated 07.02.2019.

Heard.

Learned State counsel submits that petitioner was found innocent in police investigation but has been summoned by the trial Court on the application of the prosecution under Section 319 Cr.P.C. He has put in appearance before the trial Court as per order dated 19.03.2019 allowing him interim bail.

Learned counsel for the complainant submits that petitioner has been named in the FIR and a '*datar*' blow has been attributed to him. The police declared him innocent on the basis of CCTV footage of the incident. In this case, a part of incident was recorded in the CCTV and other part of incident was not recorded but that could not be a reason to discard the statement of complainant. The deceased had received 13 injuries out of which 10 were fractures. Keeping in view the seriousness of the allegations, no reason is made out to extend the benefit of pre-arrest bail to the petitioner.

Keeping in view the fact that petitioner was found innocent during police investigation and his custodial interrogation after his summoning on allowing application of prosecution under Section 319 Cr.P.C., is not required, this petition is allowed. Order dated 19.03.2019 is made absolute, subject to the following terms:-

- (i) that the petitioner shall keep on appearing before trial Court regularly;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;

July 16, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***