

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

CRM-M No. 16437 of 2019

Date of Decision:-06.11.2019

VARINDER KUMAR

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.) for grant of anticipatory bail in case FIR No. 26 dated 14.03.2017 registered under Section 307 of the IPC at Police Station Arniwala, Tehsil and District Fazilka.

On investigation pursuant to registration of abovesaid FIR, the police filed charge-sheet against Kulwinder Kumar @ Gagan and during pendency of the trial, the petitioner has been summoned under Section 319 of the Cr.P.C.

Vide order dated 10.04.2019 passed by the Coordinate Bench of this Court, the petitioner was directed to appear before the trial court within one week which period was extended till 13.05.2019 vide order dated 08.05.2019, and on his appearance the trial Court was directed to release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

Learned Counsel for the petitioner has placed on record photostat copy of order dated 10.05.2019 passed by the trial Court which shows that the petitioner had appeared before the trial Court and was released on interim bail which fact has also been conceded by the learned State Counsel.

In view of the facts and circumstances of the case particularly the fact that the petitioner was summoned under Section 319 of the Cr.P.C. and his detention in custody during trial will not serve any useful purpose but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 10.04.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C. failing which he shall not be entitled to the protection of anticipatory bail order.

06.11.2019

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No