

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

**CRM-M-49403-2018
Date of decision:05.02.2019**

Sewa Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail consequent upon the petitioner having been summoned by the trial Court with aid of Section 319 Cr.P.C.
2. Learned counsel for the petitioner has submitted that although as many as 5 accused are named in the FIR but challan was presented against 4 of them, who have been facing trial and that the petitioner was not challaned in the first instance and it was subsequently that the trial Court summoned the petitioner with the aid of Section 319 Cr.P.C. It is submitted that the role attributed to petitioner, as per the FIR is that he had inflicted a blow with wooden log on the neck of deceased whereas the MLR does not reveal any such injury on the neck.

3. Learned State counsel while opposing the bail application submits that since as per MLR one of the injury is on the lower part of back side of the skull, then the mere fact that the complainant mentioned the seat of injury to be neck cannot be said to be a material contradiction. It has thus been prayed that there is no ground for grant of bail to the petitioner keeping in view the fact that the petitioner is specifically named in the FIR.
4. Having considered rival contentions addressed before this Court and without commenting on merits of the case and bearing in mind that fact that the petitioner has been summoned with the aid of Section 319 Cr.P.C. i.e. at a stage when investigation has already been concluded, in my opinion, no useful purpose would be served by sending the petitioner behind bars at this stage. Accordingly the petition is accepted and the petitioner is directed to appear before the trial Court, the Court and the trial Court shall release him on bail on his furnishing bail bonds and surety bonds subject to its satisfaction.
5. The petition is accepted in the above mentioned terms.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

05.02.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?

Yes / No

(3)

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Whether reportable?

Yes / No