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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.12.18 17:27
I attest to the accuracy and
authenticity of this document

CRM-M-51951-2019
Date of decision : 16.12.2019

Jarnail Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ashok Goel, Advocate
for petitioner.

Mr. Tanvir Joshi, DAG Punjab.

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HARINDER SINGH SIDHU, J.

This is a petition for grant of anticipatory bail in case FIR No. 0034, dated 8.3.2018, registered under Sections 279, 304 A, 427 IPC at Police Station Samana, District Patiala.

The case has been registered against petitioner. Thereafter, complainant submitted an application to SSP, Patiala for proper investigation into the matter and inquiry was marked to Superintendent (Headquarter), Patiala. On receipt of inquiry report, offence under Section 302 IPC was added. The petitioner was arrested. The wife of petitioner submitted an application before IGP, Patiala Range, Patiala for reinvestigation of matter. Thereafter, a SIT headed by SP (Investigation) was constituted which after thoroughly inquiring into the matter recommended deletion of Section 302 IPC against petitioner.

In view of report of SIT, petitioner was challaned under Sections 279, 304 A, 427 IPC. The petitioner has been enlarged on bail.

The complainant has now moved an application under Sections 190, 323 Cr.P.C. before learned Sub Divisional Judicial Magistrate, Samana to take cognizance of offence under Section 302 IPC and commit the case to the Court of Sessions for trial.

The learned counsel for petitioner states that in case petitioner is summoned under Section 302 IPC, he would be left without a remedy

inasmuch as the learned Magistrate would be precluded from granting bail to petitioner. He accordingly limits his prayer in this petition to the extent that in the event petitioner is summoned for the offence under Section 302 IPC, he be not arrested immediately and be granted 7 days time to approach appropriate Court for grant of bail.

In view thereof, this petition is disposed of with a direction that in the event, the learned Magistrate allows that application and takes cognizance of the offence under Section 302 IPC, petitioner be not arrested immediately. He would be granted 7 days time to approach appropriate Court for grant of bail.

(HARINDER SINGH SIDHU)
JUDGE

16.12.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No