

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

**CRM-M No.55976 of 2018
Decided on: 14.03.2019**

Roshan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.958 dated 01.12.2015, registered under Sections 148, 149, 302, 506 of the Indian Penal Code (in short 'IPC') at Police Station Civil Lines, District Karnal.

The operative part of the order dated 18.12.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that during the investigation, the petitioner was found innocent and he has been summoned as an additional accused. Later on, the petitioner was summoned while allowing an application under Section 319 Cr.P.C. after the statement of PW1 and PW2 was recorded. Learned counsel for the petitioner submits that on an earlier occasion, the order summoning the petitioner was passed and the same was challenged by the petitioner by way of filing CRR No.

4489 of 2016 before this Court which was decided on 29.08.2017 and the case was remanded back with a direction to the trial Court to pass a fresh order.

Learned counsel further submits that thereafter, the second order summoning the petitioner was passed by the trial Court on 14.09.2017. The petitioner again filed CRR No. 4211 of 2017 which was dismissed on 02.07.2018. Learned counsel for the petitioner further submits that during the intervening period when both the aforesaid petitions were pending and the petition was pending before this Court, on that account, the petitioner could not appear before the trial Court.

Learned counsel further submits that as per the allegations in the FIR, the petitioner along with other co-accused had given an iron rod blow whereas Rajesh and Vicky had given sword blows on the head of the deceased.

Notice of motion for 14.03.2019....”

Counsel for the petitioner has submitted that in pursuance to the order dated 18.12.2018, the petitioner has appeared before the trial Court and has deposited the costs of Rs.50,000/- in the government treasury.

This fact is not disputed by counsel for the State on instructions from ASI Sukhdev Singh.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.12.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No