

CRM-M-19876-2020

Date of decision: 04.08.2020

Dilbagh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. R.D. Rattewal, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner/accused-Dilbagh who has been summoned vide orders dated 29.01.2020 by the Court of the learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar by exercising of powers under Section 319 Cr.P.C. for commission of offences under Sections 302, 201 and 120-B of the Indian Penal Code has come up in this first anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.67 dated 28.05.2018 under Section 302 of the Indian Penal Code registered at Police Station Balachaur, District SBS

Nagar.

Upon hearing learned counsel for the petitioner, the learned State counsel and on perusal of the records, the petitioner was initially found innocent in an occurrence which took place on 28.05.2018 over the allegations that the accused/petitioner along with co-accused/non-applicant-Ranjit Kumar, Shindo and Baggu haf altercation with Jaswinder Kaur and abused her as a consequence of scuffle, the deceased has assaulted and leading to her death.

The petitioner, as per contentions of learned counsel for the petitioner, was initially found innocent and placed in column No.2 and has been subsequently, summoned and that nothing is to be recovered from his possession.

The facts are not displaced by the learned State counsel but who has opposed the grant of bail on the grounds of heinousness of the offences. Since the petitioner was initially found innocent and subsequently, summoned under Section 319 Cr.P.C. and therefore, his appearance before the learned Trial Court would suffice the purpose, it would be travesty of justice to send the petitioner behind the bars, thus, culpability, if any, shall be determined at the time of trial.

Accordingly, the present petition is allowed subject to appearance of the petitioner before the learned Trial Court within a period of 10 days from the date of receipt of the copy of this order.

The petitioner shall abide by the conditions envisaged

under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

04.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No