

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

CRM-M-53032-2021 (O&M)

Date of decision: 20.01.2022

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Ashish Naik, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 82 dated 10.03.2020, registered under Sections 148, 149, 323, 341, 302 of the IPC at Police Station Bawani Khera, District Bhiwani.

Learned counsel for the petitioner submits that after conducting investigation, out of total 22 accused persons, 16 persons were declared innocent and the challan was presented against only 06 persons.

Learned counsel further submits that an application under Section 319 Cr.P.C. was moved to summon all the 16 persons, however, the trial Court, vide order dated 10.11.2021, has summoned 11 persons including petitioner and 05 persons have not been summoned.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the petitioner was attributed a simple injury to

deceased and there is no evidence that the petitioner has caused any fatal injury to deceased.

Learned counsel further submits that he has instructions to say that petitioner will not challenge the summoning order and will face the trial.

Learned State counsel has not disputed the factual position, however, it is submitted that the petitioner has been summoned after recording the statement of complainant/PW-5 alleging that the petitioner has also caused simple injuries to deceased.

Learned counsel for the complainant has also argued on the same line that as per statement of PW-5, the petitioner was assigned the role of causing simple injury to the deceased.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that the petitioner has undertaken to not challenge the summoning order and face the trial, the present petition is disposed of with a direction to petitioner to appear before the trial Court within a period of 15 days from today and on doing so, the trial Court shall release him on bail, subject to his furnishing bail/surety bonds to its satisfaction.

Till the time petitioner appears before the trial Court, his arrest shall remain stayed.

20.01.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*