

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

**CRM-M-54667-2022
Date of Decision: 24.11.2022**

Shubham

...Petitioner

Versus

State of Haryana

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Ravinder Phagat, Advocate
for the petitioner

Mr.Munish Sharma, AAG, Haryana

ASHOK KUMAR VERMA, J.

The instant petition under Section 438 Cr.P.C. of the Cr.P.C. has been preferred by petitioner for grant of pre-arrest bail, feeling apprehension of his arrest in case FIR No.233 dated 29.9.2021 under Sections 323, 324, 307, 506 of the IPC registered at Police Station City Charkhi Dadri, District Charkhi Dadri, Haryana as the petitioner has been summoned to face trial by the trial court vide its order dated 28.9.2022 passed in the application moved under Section 319 of the Cr.P.C. by the complainant.

Learned counsel for the petitioner, *inter alia*, submits that during the course of investigation, the petitioner and co-accused- Sanjay Kumar were found innocent and exonerated by the investigating agency and report under Section 173 of the Cr.P.C. (Annexure P-2) was filed against them and their names have been kept in Column No.12. Learned counsel submits that the petitioner has not been attributed any role or injury or any overt act. After registration of the FIR, the petitioner joined

the investigation. Nothing is to be recovered from the petitioner and as such his custodial interrogation is not required. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that he has been summoned to face trial by the trial court.

Having heard learned counsel for the parties, I am of the considered opinion that admittedly during the course of investigation, the investigating agency vide its report under Section 173 of the Cr.P.C. (Annexure P-2) has kept the name of the petitioner under Column No.12 and now the petitioner has been summoned by the trial court to face the trial. Without expressing any opinion on the merits of the case, this petition is disposed of with a direction to the petitioner to appear/surrender before the trial Court on 30.11.2022 i.e. the date already fixed, and on his doing so, the petitioner shall be released on bail, subject to furnishing the fresh bail/surety bonds to the satisfaction of the trial Court and in case of failure to do so, the bail application shall be deemed to have been dismissed.

Disposed of.

(ASHOK KUMAR VERMA)
JUDGE

24.11.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No