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

CRM-M-62913-2024

Date of Decision:- 13.12.2024

SAGAR

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Navneet Jindal, Advocate for petitioner.
Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.134 dated 18.05.2021 under Sections 148, 323, 324, 341, 307 of IPC (added later-on) and Section 25 of Arms Act, 1959 registered at Police Station Civil Lines, Sirsa, District Sirsa, Haryana whereby he has been summoned vide order dated 20.08.2024.

2. Learned counsel for petitioner argued that initially petitioner was not challaned in this case as he was found to be innocent. During the pendency of the trial, prosecution filed application under Section 319 Cr.P.C. to summon the petitioner as additional accused and the said application was allowed by learned trial Court vide order dated 20.08.2024 without proper appreciation of the facts and application of judicious mind. Now trial Court has issued process to procure his service and next date fixed in this case is 23.01.2025.

3. Notice of motion.

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4. On asking of this Court, Mr. Rupinder Singh Jhand, Addl. A.G. Haryana accepts notice on behalf of State. He seeks an adjournment to file status report.

5. Learned counsel has not disputed the aforesaid factual position. It is confirmed that at the time of presentation of challan, petitioner was found innocent and he was not challaned along with other co-accused. Later-on, he is summoned on application under Section 319 Cr.P.C. At present process is issued to procure his service.

6. I have considered the aforesaid factual position. Investigation is already complete. Challan is also presented. Initially, he was found innocent and subsequently he is summoned on application under Section 319 Cr.P.C. No purpose would be served by sending him behind the bars. Even at present notice is being issued to petitioner to procure his service and next date before the trial Court is 23.01.2025. Since the FIR is under Sections 148, 323, 324, 341, 307 IPC and Section 25 of Arms Act, therefore, petitioner has genuine apprehension that he will be sent behind the bars. In light of this, anticipatory bail filed by petitioner is allowed. He is directed to surrender before the trial Court/Duty Judge concerned within two weeks from today and be released on bail to the satisfaction of trial Court/Duty Judge concerned.

(AMARJOT BHATTI)
JUDGE

13.12.2024
snd

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No