
(2004) 03 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 9080 of 2004

Maresh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 18-03-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319

Citation : (2004) 9 CriminalCC 122 : (2004) 2 RCR(Criminal) 450

Hon'ble Judges : Rajive Bhalla, J

Bench : Single Bench

Advocate : Madan Pal, for the Appellant; R.D. Sharma, AAG, Haryana, for the Respondent

Judgement

Rajive Bhalla, J.—The petitioner has been summoned u/s 319 of the Code of Criminal Procedure (hereinafter referred to as "the Code") to face trial in case First Information Report No. 247, dated May 5, 2002, registered under Sections 364/302/ 201/34/120-B Indian penal Code at Police Station Sardar, Gurgaon.

In the afore-mentioned First Information Report, the complainant alleges that he, alongwith his cousin, Sanjay, were traveling on a scooter. They were following the complainant's brother Naresh Kumar, who was riding another scooter. A white coloured vehicle crossed them and hit Naresh Kumar's scooter, as a result of which, he fell down. Three young men emerged from the vehicle, carried Naresh Kumar into it and sped away. Next day, the complainant received information that a burnt body was lying in the fields in village Barampur, which he identified to be that of Naresh Kumar. The complainant named Harinder and the petitioner, as the persons, who had struck the scooter of Naresh Kumar and sped away with his body.

The matter was investigated and in the report filed u/s 173 of the Code, the petitioner was placed in column No. 2 as he was found innocent. However, during the course of trial, the prosecution filed an application u/s 319 of the Code and the learned Additional Sessions Judge, Gurgaon, vide order dated November 7,

2003, summoned the petitioner.

2. Vide order dated March 12, 2004, the petitioner was granted interim bail to the satisfaction of the trial Court.

3. Learned counsel for the petitioner states that vide order dated March 16, 2004, the trial Court has released the petitioner on an interim bail on his furnishing bail bonds in the sum of Rs. 50,000/- with two sureties each in the like amount. He further contends that one of the co-accused, namely, Bishamber has already been granted regular bail by this Court vide order dated December 9, 2003 passed in Criminal Miscellaneous No. 35759-M of 2003. Counsel for the petitioner has also contended that as the petitioner has been summoned, during the trial, u/s 319 of the Code, his custodial interrogation is not necessary and, therefore, no useful purpose would be served by confining the petitioner behind bars.

4. Mr. R.D. Sharma, learned Assistant Advocate General, Haryana, on instructions from Assistant Sub Inspector Chander Bhan, the Investigating Officer, states that there is no serious opposition to the confirmation of the order dated March 12, 2004.

5. In view of the facts referred to above, the order dated March 12, 2004, granting interim bail to the petitioner, is confirmed. The petitioner shall furnish fresh bail bonds to the satisfaction of the trial Court.

This petition is disposed of accordingly.