

(2012) 02 P&H CK 0115

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-35660 of 2011

Rajwant Singh @ Raju and another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 21-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319

Citation : (2012) 02 P&H CK 0115

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajan Gupta, J.—Learned counsel for the petitioners submits at the outset that he does not press the present petition in respect of petitioner No. 1 and may be allowed to withdraw the same with liberty to him to surrender before the trial court and seek regular bail.

2. Dismissed as withdrawn qua petitioner No. 1 with liberty as aforesaid.

3. As regards petitioner No. 2, learned counsel submits that she was declared innocent during investigation. She has been summoned now u/s 319 Cr. P.C. on the basis of statement of complainant. Only role attributed to her is that she caught hold of the deceased while co-accused inflicted injuries. He submits that petitioner No. 2 is ready to surrender before the investigating agency and face trial. According to him, she also does not intend to pose a serious challenge to the order summoning her.

4. Notice of motion.

5. On the asking of court, Mr. Shilesh Gupta, Additional Advocate General, Punjab accepts notice. He has addressed the court, on instructions from ASI Charan Singh, who is present in court.

6. Heard.

7. It is evident that petitioner No. 2 was exonerated by the police. However, complainant stepped into the witness box and reiterated the version given by him earlier. He alleged that petitioner No. 2 caught hold of the deceased while co-accused inflicted injuries. Similar allegation was made by another witness Kabil Singh.

8. In view of the fact that petitioner No. 2 is ready to surrender before the trial court and face trial, this court is inclined to accept the prayer for anticipatory bail. Accordingly, this petition is allowed and it is directed that in case petitioner No. 2 surrenders before the court below within ten days from today, she shall be admitted to bail to its satisfaction.