

(2010) 12 P&H CK 0573

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal Miscellaneous No. M- 34332 of 2010 (O and M)

Rajiv

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Dec. 3, 2010**Acts Referred:**

- Arms Act, 1959 - Section 25
- Criminal Procedure Code, 1973 (CrPC) - Section 319, 438
- Penal Code, 1860 (IPC) - Section 302, 34

Hon'ble Judges: Ram Chand Gupta, J**Bench:** Single Bench**Final Decision:** Dismissed

Judgement

Ram Chand Gupta, J.

The present petition has been filed for anticipatory bail u/s 438 of Code of Criminal Procedure in FIR No. 470 dated 04.10.2009, u/s 302 IPC read with Section 34 IPC and Section 25 of Arms Act, Police Station city Sonapat.

2. I have heard learned Counsel for the parties and have gone through the whole record including order dated 18.10.2010 passed by learned Additional Sessions Judge, Sonipat vide which application filed by the present Petitioner for anticipatory bail was dismissed.

3. It has been contended by learned Counsel for the Petitioner that he was found innocent by the police and challan was filed against Dabar and Ajay @Chotta. Further contended that he was summoned by learned trial Court in the application filed u/s 319 Code of Criminal Procedure on behalf of prosecution Hence, it is contended that no purpose would be served by sending him in custody.

4. Bail application has been opposed by learned Counsel for the State on the plea that there are serious allegations against the Petitioner-accused and that even

revision petition filed by the Petitioner against the order of learned trial Court summoning the Petitioner-accused alongwith co-accused who have already facing trial, was also dismissed by this Court.

5. Brief allegations against the Petitioner-accused are that, he alongwith co-accused, Dabar had come on a motorcycle. Petitioner-accused Rajiv was on front seat whereas Dabar was on rear seat. Dabar had fired pistol shots at Manoj, deceased and thereafter, both of them ran away.

6. Name of the Petitioner-accused has been mentioned in the FIR. There are specific allegations against the Petitioner-accused.

7. Hence, in view of serious allegations against Petitioner-accused, it is not such a case in which extra-ordinary relief of anticipatory bail should be granted to him.

8. Hence, without expressing any opinion on the merit of the case, the instant application for anticipatory bail filed by Rajiv is, hereby, dismissed being devoid of merit.