

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

**C.R.M-M No.17664-2015
Date of decision : 01.10.2015**

Jarnail Singh @ Jail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. L.M.Gulati, Advocate
for the petitioner.

Mr. A.P.S.Gill, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.155 dated 09.06.2012 registered under Sections 323/324/148/149-IPC and subsequently added Sections 302/326/325 IPC at Police Station City Patti, District Tarn Taran, Punjab.

On 28.05.2015 the following order was passed:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.155 dated 09.06.2012, under Sections 323/324/148/149 IPC (Section 302/326/325 IPC were added lateron), registered at Police Station Patti, District Tarn Taran.

Counsel would submit that during the course of investigation, the petitioner had been found to be innocent and it is only thereafter in pursuance to an application having been filed under Section 319 Cr.P.C. that the petitioner has been summoned as additional accused vide order dated 28.11.2014 passed by the learned Additional Sessions Judge, Tarn Taran at Annexure P-2.

Counsel further submits that the petitioner is ready and willing to join trial proceedings. That apart, perusal of the FIR would itself reveal that apart from the petitioner having been alleged to be present at the spot of occurrence, no injury/role has been attributed to him.

Notice of motion, returnable for 31.07.2015.

To be listed along with CRM No. M-14370 of 2015.

In the meantime, it is directed that in case the petitioner duly appears before the trial Court on the date already fixed i.e. 30.05.2015, he would be entitled to ad interim protection as regards arrest subject to the satisfaction of the trial Court.”

Learned Assistant Advocate General states that he has no knowledge if the petitioner has appeared before the trial Court.

Learned counsel for the petitioner, however, asserts that the petitioner has duly appeared.

In the circumstances, it is directed that in case the petitioner has appeared before the trial Court pursuant to the order dated 28.05.2015 and has been released on interim bail, the interim bail would be confirmed. However, in case the petitioner has not appeared then this petition would be

deemed to have been dismissed.

Resultantly, the petition is allowed and the interim order dated 28.05.2015 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

01.10.2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**