

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

(207)

CRM-M-29703-2015

Decided on: December 01, 2015.

Gurcharan Singh Kalan and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kawaljyot Singh, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

This is a petition under Section 438 Cr.P.C for grant of pre-arrest bail.

Co-accused of the petitioners have been acquitted. Petitioners were not able to get benefit of acquittal as they were in Canada. A petition for quashing of FIR on the basis of compromise had been filed, which was dismissed on account of petitioners having been declared proclaimed offenders.

Pursuant to the interim order passed by this Court, the petitioners have put in appearance before the Illaqa Magistrate on 21.11.2015 and were granted concession of interim bail.

In view of petitioners having come from Canada and having submitted to the due process of law, co-accused having been acquitted and

the petitioners being ready to face trial on prosecution agency submitting supplementary challan, petitioners cannot be sent behind bars.

Petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that they will appear before the Court in case the prosecution agency opts to present supplementary challan against them. Since co-accused of the petitioners have been acquitted, the prosecution agency has not till date opted to present challan despite there being an observation to that effect of the Apex Court. It is ordered that in case of presentation of supplementary challan against the petitioners, the trial Court shall conclude the trial within a period of two months after presentation of the challan. State is directed to take final decision regarding presentation of supplementary challan or to take any other action in accordance with law.

(M.M.S. BEDI)
JUDGE

December 01, 2015
harsha