

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-34286 of 2015 (O&M)

Date of decision: 07th December, 2015

Ajaib Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vipin Mahajan, Advocate, for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab,
for the respondent(s)-State.

Mr. Arun Abrol, Advocate, for respondent No.2.

INDERJIT SINGH, J.

Petitioners have preferred the instant petition under Section 438 read with Section 482 Cr.P.C., for grant of anticipatory bail in Criminal Complaint No.02 dated 07.01.2009, under Section 3 sub-Section II, V.X.XI and XII of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) and Sections 382, 452 and 506 IPC.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the instant petition.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for respondent No.2 and have gone through the record.

Perusal of the record shows that in pursuance to the order dated 07.10.2015, passed by this Court, the petitioners have already

appeared before the learned trial Court and have been granted interim bail.

At the time of arguments, learned counsel for the petitioners contended that earlier, the learned Judicial Magistrate Ist Class, Gurdaspur, did not summon the petitioners and dismissed the complaint against them. Then respondent No.2-complainant filed revision petition and in the said revision petition, the learned Additional Sessions Judge, Gurdaspur, without giving notice to the petitioners, passed the order against them, against the law and remanded the matter back to the learned trial Court and the petitioners were again summoned.

Without expressing any opinion on the order passed by the learned Revisional Court and in view of the facts and circumstances of the present case, this Court finds it a fit case where the petitioners are entitled to the benefit of anticipatory bail. Otherwise also, no useful purpose will be served by sending them to custody. The petitioners are not required for any investigation or interrogation purposes as it is a complaint case and their presence is required only to face the trial.

Therefore, the instant petition stands accepted and the order dated 07.10.2015, passed by this Court, granting interim bail to the petitioners, is made absolute.

07th December, 2015
mamta

(INDERJIT SINGH)
JUDGE