

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30831 of 2016
DECIDED ON: October 20, 2016

TARSEM SINGH AND ANOTHERPETITIONERS..

VERSUS

STATE OF PUNJABRESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Giri, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Amit Aggarwal, Advocate,
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioners Tarsem Singh and Gurdev Singh have sought pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.87, dated 15.09.2015, under Section 302/34 IPC, Police Station Lambra, District Jalandhar City as they have been summoned by the Id. trial Court under Section 193 Cr.P.C.

2. At the time of issuance of notice of motion, following order was passed by this Court on 02.09.2016 :-

“Inter-alia, it has been contended by learned counsel for the petitioners that though the petitioners have been found innocent during the investigation and at the time of presentation of report under Section 173(2) Cr.P.C., their

names were placed in Column No.2. Subsequently on the basis of an application moved under Section 193 Cr.P.C., they have been summoned to face trial along with co-accused.

Learned counsel further contends that otherwise also the only role attributed to the petitioners is that they were present at the spot, though empty handed.

Notice of motion for 20.10.2016.

In the meanwhile, petitioners are directed to appear/surrender before the trial Court within 7 days on the receipt of certified copy of this order, who shall be released on bail at the satisfaction of trial Court and in case of their arrest at the satisfaction of the Arresting Officer.”

3. Learned State counsel on instructions from ASI Nand Lal, Police Station Lambra, District Jalandhar has submitted that the petitioners have joined the proceedings before the ld. trial court and have been released on bail.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 02.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

October 20, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*