

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

CRM-M No.33806 of 2016 (O&M)
Date of Decision : 26.10.2016

Sunny Ahuja and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Behl, Advocate for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case FIR No.0083 dated 07.09.2016 registered under Sections 323/451/506/148/149 IPC at Police Station Division No.3, Ludhiana.

On 23.09.2016 the following order was passed:-

“After arguing for some time, the learned counsel for the petitioners wishes to withdraw the instant petition qua petitioner No.1 Sunny Ahuja but liberty may be granted to him to surrender before the Competent Court and move an application for grant of regular bail and a direction may be issued to the Court to decide the said application expeditiously.

Accordingly, the instant petition stands dismissed as withdrawn qua petitioner No.1 Sunny Ahuja. In case, he

surrenders before the Competent Court on or before 28.09.2016 and moves an application for grant of regular bail, the same shall be decided expeditiously by the learned trial Court but in any case on or before 30.09.2016.

As regards petitioner Nos.2 to 5, learned counsel for the petitioners argued that once the main accused Sunny Ahuja has undertaken to surrender before the learned trial Court and seek regular bail, these petitioners be granted the benefit of anticipatory bail because there are no allegations against them of having manhandled either the complainant or his wife.

Notice of motion.

On the asking of the Court, Mr. B.S.Thind, AAG, Punjab has accepted notice on behalf of respondent(s)-State.

Learned counsel for the petitioners is directed to supply the copy of the paper book to the learned State counsel during the course of the day.

Service is complete.

Adjourned to 26.10.2016.

Meanwhile, an interim direction is issued that petitioner Nos.2 to 5 will join investigation on 29.09.2016 or any other day as required by the investigating officer and in case of their doing so, they will be released on interim bail to the satisfaction of the arresting officer.

However, it is clarified that in case petitioner No.1 does not surrender before the learned trial Court, then the instant petition qua him shall be deemed to be dismissed. ”

Learned counsel for the petitioners states that pursuant to the last order petitioner No.1- Sunny Ahuja who was the main accused has surrendered and has now been released on regular bail and petitioners No.2 to 5 have also joined the investigation.

Learned Deputy Advocate General, on instructions from Investigating Officer has accepted these facts and states that the petitioners No.2 to 5 have joined the investigation and are no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated 23.09.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

26.10.2016
pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No