

Sr. No.211

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

**CRM No. M- 4258 of 2016 (O&M)
Date of Decision: 23.02.2016**

Ishro Devi and others

...Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. A.S.Cheema, Advocate,
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.65 dated 02.08.2015, under Sections 302/307/323/148/149/506/324/326/201 IPC (Sections 324/326/201 IPC have been added later on), registered at Police Station Mullanpur Garibdas, District SAS Nagar, Mohali.

Counsel for the parties have been heard.

FIR came to be registered on the statement of complainant Som Nath in relation to an occurrence that took place on 02.08.2015.

The deceased in the present case is Sunder Lal.

At the initial stage of registration of the FIR, the present petitioners were arrested but thereafter granted benefit of bail. After

completion of investigation, petitioners were found innocent and as such not nominated as accused in the final report submitted under Section 173 Cr.P.C.

The present petition has been necessitated on account of passing of order dated 29.01.2016 by the learned Additional Sessions Judge, SAS Nagar, Mohali whereby an application filed under Section 319 Cr.P.C. has been allowed and the petitioners have been summoned to face trial as additional accused.

It is the contention raised on behalf of the petitioners that the petitioners are otherwise ready and willing to join trial proceedings.

Even a perusal of the order dated 29.01.2016 passed by the Additional Sessions Judge, SAS Nagar, Mohali at Annexure P-4 would reveal that the direct role/injuries have been attributed to Gurdeep Singh, Jang Singh, Sohan Lal, Nirmal Singh and Chhota Singh who were stated to be armed with Kirpans/Kirchs. Insofar as the present petitioners are concerned who all are ladies and they are stated to have been part of the conspiracy to eliminate Sunder Lal and while petitioner No.1 was stated to be carrying a wooden danda, petitioners No.2, 3 and 4 are stated to be carrying brick bats. Main accused as aforenoticed are already in custody.

It has gone uncontroverted that at the initial stage and after registration of the FIR, the present petitioners having been granted the concession of bail did not misuse such concession.

Under such circumstances, the petitioners are held entitled to the concession of pre-arrest bail subject to their joining

trial proceedings. The present petition is disposed of with a direction that in case the petitioners duly appear before the trial Court on the date already fixed i.e. 24.02.2016, they would be entitled to the concession of pre-arrest bail subject to satisfaction of the trial Court.

Petition disposed of.

A copy of this order be given dasti under the signatures of the Bench Secretary of this Court.

23.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**