

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

***CRM No.M-44143 of 2015 (O&M)
Date of Decision: 01.02.2016***

Kaiya Khan @ Manjit Khan

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. ADS Sukhija, Advocate for the petitioners.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Mr. Rahul Jaswal, Advocate for
Mr. Vivek K. Thakur, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.59 dated 21.06.2009, under Sections 323/324/307/148/149 IPC, registered at Police Station Mulepur, District Fatehgarh Sahib.

While issuing notice of motion, the following order was passed by this Court on 05.01.2016.

“Petitioner seeks the concession of pre-arrest bail in case FIR No.59 dated 21.06.2009, under Sections 323/324/307/148/149 IPC registered at Police Station Mulepur, District Fatehgarh Sahib.

Contention raised by the learned counsel is that during the course of investigation, the petitioner has been found to be innocent and it is only upon an application having been filed under Section 319 Cr.P.C. that he had been summoned as additional accused. It has also been contended that the date of occurrence is 21.06.2009 and the petitioner had immediately

thereafter proceeded abroad. This Court has also been apprised that all the co-accused in the FIR have since been acquitted for the offence under Section 307 IPC even though they stand convicted for offence under Sections 323/324/148/149 IPC and have been ordered to be released on probation vide judgment dated 20.07.2015. It is also the case made out on behalf of the petitioner that he has been declared proclaimed offender vide order dated 06.11.2013 without having any knowledge of the summoning order.

Notice of motion, returnable on 01.02.2016.

In the meanwhile, petitioner is directed to appear before the trial Court within a period of two weeks from today. In the eventuality of his doing so, he would be entitled to ad interim protection as regards arrest subject to the satisfaction of the trial Court.”

Learned counsel appearing for the petitioner has produced in Court a certified copy of order dated 11.01.2016 passed by the learned Additional Sessions Judge, Fatehagarh Sahib which would reveal that the petitioner had duly put in appearance before the trial Court and has been released on interim bail on furnishing requisite bail bonds and surety bonds.

Even the observations contained in the notice of motion order passed by this Court have gone un rebutted by counsel appearing for the complainant.

Accordingly, the present petition is allowed. Order dated 05.01.2016 passed by this Court is made absolute.

Disposed of.

01.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**