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

CRM-M-16489 of 2017

Date of decision: July 19, 2017

Angrej Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Ramnish Puri, Advocate the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition for grant of anticipatory bail to the petitioners in Rapat/DDR No.22 dated 30.09.2016, under Sections 307, 324, 323, 148, 149 of Indian Penal Code, 1860 (for short 'IPC'), in FIR No.151 dated 26.09.2016, under Sections 302, 307, 323, 506, 148, 149 of IPC and under Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Dharamkot.

Admittedly, the petitioners were summoned pursuant to the order made under Section 319 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') as accused persons. They had appeared before the trial Court and sought anticipatory bail. Following are the reasons by the trial Court in its order dated 01.05.2017 declining the grant of anticipatory bail to the petitioners:-

“Heard. The accused-applicant has been summoned by this Court to face trial under Sections 307, 324, 323, 148, 149 of the Indian Penal Code by exercising the powers under Section

319 of the Criminal Procedure Code. When the accused-applicant has been summoned by this Court to face trial, the anticipatory bail is not maintainable before this Court as this Court cannot issue direction to itself that as when the accused-applicant surrenders, the Court should admit him to bail. The accused-applicant can seek regular bail by surrendering before this Court. Therefore, the instant application is dismissed on the ground of maintainability. Bail application record be consigned to record room.”

Learned trial Judge says that since he himself had issued accused summons under Section 319 Cr. P.C. , he would not be able to issue directions in the matter of grant of anticipatory bail.

In my opinion, the reason made given by the learned trial Court does not appear to be sound as the jurisdiction to grant anticipatory bail has nothing to do with the jurisdiction to issue accused summons under Section 319 Cr. P.C. Even, if there is overlapping of jurisdiction as observed by learned trial Court, the jurisdiction of the Court continues and there is no bar from exercising its power in different jurisdictions. That is the wisdom of the Legislature in conferring power on the Court.

Be that as it may, since the petitioners have appeared before the trial Court and furnished bail, the interim order dated 11.05.2017 granting *ad interim* anticipatory bail to the petitioners, is made absolute.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

July 19, 2017

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**