

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

**Criminal Misc. No.M- 17277 of 2017(O&M)**

**Date of Decision: November 2 , 2017.**

Satya Parkash and another ..... PETITIONER (s)

**Versus**

State of Haryana and another ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Ajay Kamboj, Advocate  
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Satbir Gill, Advocate  
for respondent No.2.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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**LISA GILL, J.**

Prayer in this petition is for grant of anticipatory bail to the petitioners in complaint No.350-1 of 2014 dated 24.07.2014, under Sections 420/495/376/506/34 IPC titled as 'Sonia v. Sumit Dutta etc.', pending in the court of the learned Chief Judicial Magistrate, Sirsa.

It is contended that the petitioners are the parents-in-law of the complainant/respondent No.2. They have been summoned by the learned trial court in the abovesaid complaint. It is submitted that pursuant to order dated

16.05.2017 passed by this Court, the petitioners appeared before the learned Chief Judicial Magistrate, Sirsa on 19.05.2017. They were released on interim bail pursuant to order dated 16.05.2017 passed by this Court. The matter was thereafter listed for 01.06.2017 before the trial court. The matter was adjourned to 24.08.2017 by the learned trial court on 31.05.2017 as the learned Presiding Officer proceeded on leave. However on 24.08.2017, non-bailable warrants issued qua petitioner No.1 were recorded to be received back unexecuted, therefore fresh non-bailable warrants were ordered to be issued for 09.10.2017. Petitioner No.1 was taken in custody.

This Court on 04.10.2017 sought the explanation of the concerned Presiding Officer in this respect. It was directed that petitioner No.1 be released forthwith from custody, if not required in any other case.

An explanation dated 10.10.2017 from the concerned officer has been received. It is explained that due to an advertent mistake and oversight the requisite bonds furnished by the petitioners as well as their application moved on 19.05.2017 were tagged at the backside of the main file in a separate file cover. No report or endorsement was available at the time of passing of order dated 24.08.2017. Counsel for the said petitioner had also not appeared before the Presiding Officer and it is on account of bona fide and inadvertent mistake that the said lapse occurred. Petitioner No.1 was ordered to be released forthwith by the learned Duty Magistrate on 04.10.2017 itself. An apology has been tendered and it is assured that due care shall be taken in future. Keeping in view the facts and circumstances, it appears that non-bailable warrants of petitioner No.1 were issued due to a bonafide oversight. Consequently, apology

tendered by the learned Chief Judicial Magistrate, Sirsa is accepted. The learned Presiding Officer is advised to be careful in future.

Learned counsel for the petitioners submits that the petitioners are now regularly appearing before the learned trial court. They undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. Therefore, it is prayed that this petition be allowed.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Interim bail afforded to the petitioners by the learned trial court pursuant to order dated 16.05.2017 passed by this Court is made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial court.

November 2 , 2017.  
'om'

( **LISA GILL** )  
**JUDGE**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |