

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

CRM-M-23070-2017

Date of decision: 13.9.2017

Shankuntala and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.JS Rana, Advocate for
Dr. Deipa Singh, Advocate for the petitioners

Ms.Mahima Yashpal, AAG, Haryana
assisted by ASI Indrawati

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of bail to the petitioners in case First Information Report No.63 dated 10.12.2015 registered under Sections 376, 406, 417, 493, 494, 495, 498A and 506 read with Section 34 of the Indian Penal Code at Women Police Station, Bhiwani.

On 5.7.2017, this Court had passed the following order:-

“Counsel for the petitioners submits that the petitioners are residents of Assam and they have been summoned as an additional accused under Section 319 Cr.P.C.and they are ready to appear before the trial Court on the next date of

hearing i.e. 07.07.2017.

Notice of motion, returnable for
13.09.2017.

The petitioners would appear before the
trial Court on 07.07.2017. On appearance they
shall be admitted to interim bail on furnishing
bonds to the satisfaction of the trial Court.

A copy of the order be placed on record
on the next date of hearing.”

ON 21.7.2017 on an application moved by the petitioners,
the following order was passed”

“Vide order dated 05.07.2017, the petitioners were
directed to appear before the trial Court on
07.07.2017. On appearance, the petitioners were
ordered to be admitted to the interim bail subject to
furnishing bonds to the satisfaction of the trial Court.
It is further contended that in pursuance of the order,
the petitioners came all the way from Shibsagar
(Assam) to appear before the trial Court. However, on
the said date i.e. on 07.07.2017 the Presiding Officer
being on leave was not holding the Court. Therefore,
the order dated 05.07.2017 could not be complied
with.

Notice in the application.

At the asking of the Court, Ms. Mahima Yashpal, AAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned counsel, in the Court. In view of the above it is ordered that the petitioners shall now appear before the trial Court on 25.07.2017.

CRM stands disposed of.

The order be given dasti to learned counsel appearing on behalf of applicant-petitioner(s) under the signatures of the Bench Secretary.”

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been summoned as additional accused under Section 319 Cr.P.C. In compliance of the order dated 21.7.2017 passed by this Court, the petitioners had appeared before learned trial Court and on their furnishing the requisite bail bonds and surety bonds, they have been released on interim bail by learned trial Court.

Learned State counsel, on instructions, has conceded the said fact.

In view of the above, without expressing any opinion on the merits of the case, the order dated 5.7.2017 is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C. The petitioners shall continue to appear before the learned trial Court on each and every date of hearing.

The petition stands allowed.

13.9.2017

gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No