

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-37708-2016

Decided on : 05.05.2017

Sukhdev Singh @ Sukha and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.B.Raheja, Advocate, for the petitioners.

Mr.Neeraj Yadav, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioners seek the concession of anticipatory bail in FIR No.217, dated 16.12.2015, registered under Sections 307, 353, 332, 186, 506, 149 IPC and Sections 67(2), H, 84-B of the IT Act, at Police Station Zira, District Ferozepur.

Seeking anticipatory bail for the petitioners, learned counsel submits that after the investigation, the petitioners were found innocent by the police; they have been summoned on orders passed by the trial court on an application moved under Section 319 Cr.P.C.; they are not involved in any other criminal case; when the FIR was initially lodged, petitioner No.1 had been arrested and had been in custody for over three months after which he was discharged on an application made by the prosecution; the main co-accused Gurpreet Singh and Daljit Singh, who had earlier approached this Court through CRM-M-2846-2016 and CRM-M-5151-2016 respectively,

have been granted anticipatory bail through the order of this Court dated 29.04.2016; even if the case of the prosecution is taken as a gospel truth, which the petitioners do not admit, the only allegations against the petitioners is that they had given slap/fist blows to the injured; under the interim order of this Court dated 22.10.2016, the petitioners have appeared before the trial court and had been admitted to ad interim bail.

Learned State counsel opposes the grant of bail to the petitioners on the ground that the petitioners had given slap/fist blows to the injured.

Since after the investigation, the petitioners were found innocent by the police; they have been summoned on orders passed by the trial court on an application moved under Section 319 Cr.P.C.; they are not involved in any other criminal case; when the FIR was initially lodged, petitioner No.1 had been arrested and had been in custody for over three months after which he was discharged on an application made by the prosecution; the main co-accused Gurpreet Singh and Daljit Singh, who had earlier approached this Court through CRM-M-2846-2016 and CRM-M-5151-2016 respectively, have been granted anticipatory bail through the order of this Court dated 29.04.2016; the only allegations against the petitioners is that they had given slap/fist blows to the injured; under the interim order of this Court dated 22.10.2016, the petitioners have appeared before the trial court and had been admitted to ad interim bail, I am of the opinion that the petitioners deserves the concession of anticipatory bail.

In view of the above, the petition is allowed and the order dated 22.10.2016 granting ad-interim anticipatory bail to the petitioners is made

absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioners, if they are found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioners.

05.05.2017

shamsher

[DEEPAK SIBAL]
JUDGE

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