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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 45328 of 2017

Date of decision: December 20, 2017

Malkiat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. G.K. Mann Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

At the outset reading of the order dated 06.11.2017, made by Additional Sessions Judge, Sumeet Malhotra, Tarn Taran, I have find that the learned trial Judge has made extension of unlawful assembly into illegal assembly.

In my opinion, *prima facie*, does not view Additional Sessions Judge to write illegal assembly instead of unlawful assembly.

At the level of Court of Additional Sessions Judge, he is therefore directed to file explanation to this Court by 15.01.2018.

Insofar as, the petitioner is concerned he seeks anticipatory bail in FIR No.020 dated 08.06.2016 under Sections 307, 452, 323, 324, 506, 427, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Sarai, Amanat Khan, District Tarn Taran.

I have perused the FIR. I find that there was an unlawful assembly of about 35 persons and only the petitioner was at liberty thereof as stated by prosecution.

Learned counsel for the State submits that the petitioner is not attributed with any arms and said to be empty handed.

In that view of the matter, petitioner is granted anticipatory bail and the petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well. In case, the petitioner violates the above said condition, this order of bail comes to an end automatically without reference to this Court.

(A.B. CHAUDHARI)
JUDGE

December 20, 2017
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No