

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8018 of 2017

.....

Date of decision:5.4.2017

Juman and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Sandeep S. Majithia, Advocate for the complainant.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.111 dated 3.8.2016 registered for the offences under Sections 302, 307, 148 and 149 IPC at Police Station Beas, District Amritsar.

Notice of motion has been issued in this case.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Sandeep S. Majithia, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that the present petitioners are not named in the FIR. They were also neither named by any of the witnesses under Section 161 Cr.P.C. nor these petitioners have been investigated during the investigation and their names are not kept even in column No.2. Their names appeared for the first time during the evidence recorded in the Court. The petitioners have been summoned under Section 319 Cr.P.C. by the trial Court.

The petitioners have already appeared before the trial Court in pursuance of the order dated 9.3.2017 passed by this Court granting interim bail and they have been released on bail by the trial Court. Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioners are only to face the trial, no useful purpose will be served by sending the petitioners to custody.

Therefore, in view the facts and circumstances of the present case, I find merit in this petition and the same is allowed. The interim order dated 9.3.2017 passed by this Court granting interim bail to the petitioners is made absolute.

April 5, 2017.

(Inderjit Singh)
Judge

hsp

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