

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

**CRM-M No.41076 of 2017
Date of Decision : 15.01.2018**

Shamsher Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Satbir Rathore, Advocate
for the petitioners.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail on behalf of the petitioners in case FIR No.46 dated 26th March, 2013 registered under Sections 420, 465, 468, 471, 120-B of the Indian Penal Code at Police Station Nangal, District Roopnagar.

2. The petitioners were summoned under Section 319 Cr.P.C. vide order dated 28th August, 2017 passed by the Judicial Magistrate 1st Class, Sri Anandpur Sahib to face trial as additional accused. They approached the Ld. Addl. Sessions Judge, Rupnagar under Section 438 of the Cr.P.C. for grant of anticipatory bail and their prayer for anticipatory bail was rejected vide order dated 12th October, 2017.

3. Various Co-ordinate Benches of this Court have granted

anticipatory bail to applicants summoned to face trial under Section 319 of the Cr.P.C. involving more equal heinous/grievous offences by relying upon the decision of the Hon'ble Supreme Court in ***Gurbaksh Singh Sibbia etc vs. State of Punjab, 1980 AIR (SC) 1632*** and a decision of Co-ordinate Bench of this Court in ***Bajinder Singh and another vs. State of Punjab-CRM-M No.13285 of 2015***. It has been held *inter alia* in those decisions that as the petitioners were being summoned for trial after they had not been originally sent up by the Investigating Officer, they were clearly, “not required for the purpose of investigation”.

4. The case of the present petitioners is similar to those covered under the decisions referred to above.

5. The present petitioners have complied with the earlier order dated 2nd November, 2017 passed by this Court and have been granted the concession of bail by the Ld. Trial Court vide order dated 6th November, 2017. As such, they may be released on bail to the satisfaction of Ld. Trial Court concerned, subject to compliance of terms and conditions envisaged under Section 438 (2) Cr.P.C. and any other term/condition as may deem fit and appropriate.

6. Disposed off.

January 15, 2018

Dpr

(SUDIP AHLUWALIA)
JUDGE

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