

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

104

CRM-M-42078-2018

Date of Decision: September 24, 2018

Saraj Singh and another

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Gurmeet Singh Saini, Advocate for the petitioners.

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**Sudhir Mittal, J. (Oral)**

The petitioners have been summoned as additional accused in the trial in progress in case DDR No.27, dated 12.11.2014.

On account of aforementioned summoning orders, the present petition under section 438 of Code of Criminal Procedure has been filed.

Learned counsel for the petitioners submits that section 307 IPC is also involved in this case and therefore, the petitioners apprehend that they will be arrested when they appear before the trial Court.

The apprehension appears to be baseless. The provision of anticipatory bail has been provided in the statute so as to protect a person who apprehends arrest on registration of an FIR, to enable him to join investigation. In the present case, the investigation was completed a long time back and the petitioners were kept in column No.2 and that is the status of the petitioner in the challan presented before the trial Court. Now the trial is in progress and the petitioners have been summoned as additional accused. No investigation is to be done and the complainant side would prove its case during the course of the trial.

Till date, the petitioners have not absconded and thus, their apprehension that they will be arrested on their appearance before the trial Court, is totally misplaced. By now, the persons against whom the trial is in progress, may have been granted regular bail. On the date fixed by the trial Court, the petitioners are bound to appear and seek regular bail.

In view of these circumstances, I do not see any reason for the trial Court to send the petitioners behind the bars.

With the aforementioned observations, the petition is disposed of.

September 24, 2018  
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**[SUDHIR MITTAL]**  
**JUDGE**

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |