IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.49386 of 2018
Decided on: 10.12.2018

Ram Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.316 dated 31.10.2015, registered under Section 409 of the Indian Penal Code (in short 'IPC') at Police Station City Barnala, District Barnala.

The operative part of the order dated 12.11.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

> ***"....****Learned counsel for the petitioner submits that thereafter the petitioner had appeared before the trial Court and was granted regular bail and he faced full length trial and was convicted vide judgment dated 14.03.2017 as he pleaded guilty and did not claim trial. Vide order dated 14.03.2017, he was sentenced to undergo imprisonment for the period already undergone by him.*
>
> *Learned counsel for the petitioner further submits that thereafter, the State as well as the petitioner filed*

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separate appeals before the lower appellate Court, challenging the aforesaid judgment of conviction. The lower appellate Court, vide common judgment dated 17.10.2017, allowed both the appeals filed by the State as well as by the petitioner and remanded the case back to the trial Court holding that the judgment dated 14.03.2017, altering the charge, was erroneous and the trial Court should commence the trial afresh by examining the prosecution witnesses.

Thereafter, the petitioner filed CRR No. 219 of 2018 before this Court challenging the order dated 17.10.2017, passed by the lower appellate Court, and the same was dismissed on 06.03.2018 (Annexure P-3).

Learned counsel for the petitioner further submits that since the petitioner was pursuing his remedy before this Court by way of filing CRR No. 219 of 2018, he could not appear before the trial Court in pursuance to the order dated 17.10.2017, wherein the lower appellate Court had remanded back the case to the trial Court.

Learned counsel for the petitioner further submits that in view of the changed circumstances, the present petition praying for grant of anticipatory bail is maintainable as the petitioner is ready to surrender before the trial Court and apply for bail.

*Notice of motion for 10.12.2018****....”***

Counsel for the petitioner has submitted that, in pursuance to the order dated 12.11.2018, the petitioner has appeared before the trial Court and has been released on interim bail.

Counsel for the State, on instructions from ASI Gian Singh, has not disputed the factual position and submits that the petitioner has already appeared before the trial Court and has also deposited the costs of Rs.50,000/-.

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In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 12.11.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2018
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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