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

CRM-M-9259-2018 (O&M)

Date of Decision: 20.03.2018

Gamdoor Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Naveen Sharma, Advocate,
for the applicants-petitioners.

SUDIP AHLUWALIA J. (ORAL)

CRM-8888-2018

Applicants-petitioners are permitted to place on record copy of the summoning order (Annexure P-4).

Application stands disposed off.

CRM-M-9259-2018

Notice of motion.

[2]. On the asking of the Court, Ms. Rajni Gupta, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

[3]. At this stage, Mr. Parminder Singh-I, Advocate puts in appearance and files his Vakalatnama on behalf of the complainant.

[4]. The instant petition has been filed under Section 438 of the Cr.P.C. seeking anticipatory bail on behalf of the petitioners in case FIR No.90, dated 02.10.2016, under Sections 302, 148, 149 and 120-B of the IPC, registered at Police Station Kot Fatta, District Bathinda.

[5]. The petitioners were summoned under Section 319 of the Cr.P.C. vide order, dated 18.12.2017 (Anneuxre P-4), passed by the Ld. Additional Sessions Judge, Bathinda, to face trial as additional accused. They approached the Ld. Additional Sessions Judge, Bathinda, under Section 438 of the Cr.P.C. for grant of anticipatory bail and their prayer for anticipatory bail was rejected vide order dated 19.02.2018 (Anneuxre P-3).

[6]. Various Co-ordinate Benches of this Court have granted anticipatory bail to applicants summoned to face trial under Section 319 of the Code of Criminal Procedure 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 ***CRM-M No.13285 of 2015*** titled **“Bajinder Singh and another vs. State of Punjab”**. 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”.

[7]. The case of the present petitioners are similar to those covered under the decisions referred to above.

[8]. Furthermore, the petitioners were not sent up by the Police to face trial vide challan under Section 173 of the Cr.P.C. and they have been summoned under Section 319 of the Cr.P.C. only. Therefore, the case of the present petitioners are not different from the the above decisions.

[9]. Consequently, this Court finds no reason to deny the same benefit to the present petitioners, namely, Gamdoor Singh and Jagsir Singh, who may, therefore, be released on bail to the satisfaction of the Ld. Trial

Court concerned in the present case i.e. FIR No.90, dated 02.10.2016, under Sections 302, 148, 149 and 120-B of the IPC, registered at Police Station Kot Fatta, District Bathinda, subject to compliance of terms and conditions envisaged under Section 438(2) of the Cr.P.C. and other term/condition as may deem appropriate.

[10]. Disposed off.

20.03.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No