

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 9707 of 2018 (O&M)

Date of decision : 15.5.2018

...

Gurdial Singh and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. D.S. Gurna, Advocate for the petitioners.

Mr. C.L. Pawar, Senior DAG, Punjab.

...

H. S. Madaan, J. (Oral)

CRM-17190 of 2018

This is an application for recalling the order dated 30.4.2018, whereby the petition had been dismissed for non-prosecution. It is contended therein that non-appearance was not intentional or willful, but due to wrong noting down of the date by the counsel. Affidavit by the counsel in that regard has been attached.

Notice of the application to the State of Punjab.

At the asking of the Court, Mr. C.L. Pawar, Senior DAG, Punjab, has accepted notice.

Heard.

The order in question is recalled and the petition is restored

to its original number.

Main case.

It is stated that petitioners have since appeared in the trial Court and they have been granted interim bail. Copy of the order passed by the trial Court in that regard has been attached. It is debatable as to whether any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out or not.

It being so, the interim bail granted to the petitioners vide order dated 8.3.2018 is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

The petition in that way is allowed.

It is made clear, that in case the petitioners are found to be indulging in any criminal activity, after being granted bail vide this order, the order shall be liable to be withdrawn.

15.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No