

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-32640 of 2018

Date of Decision: 04.02.2019

Binder Singh @ Balwinder Singh & another

...Petitioner(s)

Versus

Baljit Kaur & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Achin Gupta, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Arunjeet Singh Kakkar, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) read with Section 482 CrPC is for grant of anticipatory bail to the petitioners in Complaint Case No.11 dated 06.11.2017 titled as *Baljit Kaur Vs. Binder Singh & others* pending in the Court of Ms. Palwinder Jit Kaur, Additional Chief Judicial Magistrate, Faridkot, whereby, the petitioners have been summoned to face trial under Sections 427/432/354/34 IPC and Section 3(VII) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

On 02.08.2018, this Court had passed the following order:-

“Learned counsel states that civil proceedings are going on and stay application has been dismissed in the suit filed by Jeet Singh, father of the complainant. He further states that proceedings under Section 107/151 Cr.P.C. were initiated against the complainant party and the petitioners are ready to appear before the Court below. According to him, the case is fixed for 23.08.2018.

Notice of motion, returnable for 13.09.2018.

The petitioners would appear before the summoning Court on 23.08.2018. On appearance they would be admitted to interim bail on furnishing bonds to the satisfaction of summoning Court.

Copy of the order be produced on the next date of hearing.”

Learned counsel for respondent no.2 has argued that the petitioners have not stated the true facts before this Court. The stay application has not been dismissed, as submitted by the petitioners.

Having heard learned counsel for the parties and considering the fact that in compliance of summoning order dated 05.05.2018, the petitioners have appeared before the trial Court, this Court finds that the order dated 02.08.2018 deserves to be made absolute.

Accordingly, the present petition is allowed and the interim order dated 02.08.2018 is made absolute.

However, the petitioners shall appear before the trial Court, as directed by it, unless exemption is granted from personal appearance.

February 04, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No