

S.No.101

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

CRM-M-61537 of 2018 (O&M)

Date of Decision:29.01.2019

Kewal Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. G.S. Nahel, Advocate
for the petitioners.

Rajbir Sehrawat, J.(Oral)

CRM No.2912 of 2019

Application is allowed. Jimni report is taken on record as
Annexure P.6.

CRM-M-61537 of 2018

The present petition has been filed by the petitioners under
Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.67 dated
24.05.2016 registered under Sections 302, 323, 435, 427, 148, 149 IPC at
Police Station Talwandi Sabo, District Bathinda.

At the outset, learned counsel for the petitioners submits that he
may be permitted to withdraw the present petition qua petitioner No.2 –
Balkaran Singh and that the present petition be entertained only qua
petitioner No.1 – Kewal Singh.

Accordingly, the present petition is dismissed as withdrawn qua
petitioner No.2 with liberty to avail all the legally available pleas during the
trial.

Qua petitioner No.1, counsel for the petitioner has submitted
that while filing challan, although it was written that if any evidence comes
up against him then challan will be filed against him as well, however, the

further investigation carried out by the Deputy Superintendent of Police had found him to be innocent. It is further contended by the counsel that since, at this stage, the petitioner No.1 stands summoned by the Court, therefore, subject to his availing further remedies in accordance with law, the petitioner No.1 intends to appear before the Court. The only prayer is that he be protected against his arrest.

Notice of motion.

On asking of the Court, Mr. S.S. Cheema, AAG, Punjab, accepts notice on behalf of the State. He has no objection if the petitioner No.1 appears before the Court to face further proceedings in accordance with law.

In view of the above, but without commenting upon merits of the case, any further, the present petition is allowed. The petitioner No.1 is directed to appear before the trial Court on or before 28.02.2019 . It is further ordered that in case the petitioner No.1 so appears before the trial Court, then he shall be released on bail pending trial on his furnishing bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No