

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

**CRM-M No.55842 of 2018
Decided on: 30.01.2019**

Pinki

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.S. Sidhu, Advocate
for Mr. G.S. Nahel, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in criminal complaint bearing No.COMI-38 dated 06.09.2014 (Annexure P1) registered under Sections 300/302/201/328/34 of the Indian Penal Code (in short 'IPC') filed before the Sub-Divisional Judicial Magistrate, Moonak, District Sangrur.

The operative part of the order dated 18.12.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner relies upon the order dated 10.12.2018 passed by this Court in CRM-M-54715-2018, which reads as under: -

“Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in Criminal Complaint No. COMI-38 dated 06.09.2014, filed under Sections 300, 302, 201, 328 and 34 of the IPC, titled as Haribant Singh vs. Pinki Kaur and another, pending in the Court of Sub-Divisional Judicial Magistrate, Moonak.

Learned counsel for the petitioner submits that in the police inquiry, the petitioner was found to be innocent and later on, after a period of one and a half years, the present complaint was filed on 06.09.2014 (Annexure P-1).

Learned counsel for the petitioner submits that there is no direct allegation against the petitioner and he is ready to appear before the trial Court and apply for bail.

Notice of motion for 15.01.2019.

In the meantime, the petitioner is directed to appear before the trial Court and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds to its satisfaction. However, the petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C.”
Notice of motion for 15.01.2019....”

Counsel for the petitioner has placed on record the photocopy of the order dated 21.12.2018, vide which the petitioner appeared before the trial Court and was released on bail. It is further submitted that the petitioner is facing the trial.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.12.2018 is

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made absolute subject to the conditions envisaged under Section 438(2)

Cr.P.C.

(ARVIND SINGH SANGWAN)

JUDGE

30.01.2019

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Whether speaking/reasonedYes/No

Whether reportable:Yes/No