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

CRM-M No. 5248 of 2020  
Date of Decision: 29.09.2021

Nirmal Singh and others

-Petitioners

Versus

State of Punjab

-Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. D.S. Virk, Advocate, for  
Mr. Jasdeep Singh Gill, Advocate,  
for the petitioners.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Rakesh Kumar, Advocate,  
for the complainant.

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**RAJ MOHAN SINGH, J. (Oral)**

The case has been taken up for hearing through  
video-conferencing.

Petitioners seek grant of anticipatory bail under  
Section 438 Cr.P.C in case bearing FIR No.51 dated  
18.11.2016 registered under Sections 302, 323, 324, 148, 149  
IPC at Police Station Khem Karan, District Tarn Taran.

On 06.02.2020, following order was passed:-

*“The petitioners have filed this petition  
under Section 438 of the Code of Criminal  
Procedure, 1973 (for short 'the Cr.P.C.') for*

*grant of anticipatory bail in case FIR No.51 dated 18.11.2016 registered under Sections 302, 323, 324, 148 and 149 of the Indian Penal Code, 1860 at Police Station Khem Karan, District Tarn Taran.*

*Learned Counsel for the petitioners has submitted that on investigation conducted pursuant to the registration of above-said FIR, the petitioners were found to be innocent and they have been summoned under Section 319 of the Cr.P.C. by learned Additional Sessions Judge, Tarn Taran to face trial as additional persons with the accused already charge-sheeted. Although, learned Additional Sessions Judge has ordered issuance of bailable warrants of arrest against them but in view of the nature of offence there is reasonable apprehension of their being taken in custody. Trial is likely to take long time. No useful purpose will be served by their detention in custody. The petitioners are ready to appear before the Court and abide by all the terms and conditions of order of bail regarding their appearance.*

*Notice of motion.*

*On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.*

*In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioners, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.*

*Adjourned to 26.03.2020.*

*Notice to newly added respondent No.2 be issued for that date on filing of process fee by the petitioners and notice be also given dasti, if so desired.*

*In the meanwhile, the petitioners are directed to appear before the trial Court on the date of hearing fixed and on such appearance, the petitioners shall be released by the trial Court on interim bail on furnishing of bail bonds by them to its satisfaction.*

**06.02.2020**  
**kothiyal**

**(ARUN KUMAR TYAGI)**  
**JUDGE"**

Learned counsel for the petitioners has sent copy of order dated 24.02.2020 passed by Additional Sessions Judge, Tarn Taran to show that accused Nirmal Singh, Mehtab Singh, Kuldeep Kaur and Balwinder Kaur have already appeared before the Court and their bail bonds have been accepted. The case was adjourned for framing of charge.

Learned State counsel admits the aforesaid position.

Learned counsel for the complainant however opposed the bail.

In view of aforesaid status of the petitioners vis-a-vis grant of bail by the trial Court in pursuance of order dated 06.02.2020 passed in the present case, I deem it appropriate to confirm the order dated 06.02.2020.

However, the petitioners shall keep on appearing before the trial Court regularly.

Petition stands disposed of.

September 29, 2021  
Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No