

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

CRM-M-8228-2020 (O&M)

Date of decision: 28.07.2021

Hans Raj and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Jaswal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail on their appearance before the trial Court in case FIR No. 72 dated 03.12.2015, registered under Sections 307, 148, 149 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Khilchian, District Amritsar.

On 25.02.2020, the following order was passed:

“Learned counsel for the petitioner, at the very outset, submits that he has instructions to say that the petitioners do not want to challenge the order passed by the trial Court summoning them under Section 319 Cr.P.C. and they are ready to face the trial.

Learned counsel further submits that the petitioners were initially found innocent during investigation and now they have been summoned under Section 319 Cr.P.C.

Notice of motion for 23.03.2020.

In the meantime, the petitioners are directed to appear before the trial Court within a period of 15 days

from today and on doing so, the trial Court shall release the petitioners on interim bail, subject to their furnishing bail/surety bonds to its satisfaction.

However, this will be subject to condition that the petitioners will not challenge the summoning order passed under Section 319 Cr.P.C. and face the trial.”

Learned counsel for the petitioners submits that in pursuance to the order dated 25.02.2020, petitioner Nos. 1, 2, 3 and 5 have already appeared before the trial Court and have been released on bail.

Learned counsel for the petitioners has filed an application bearing CRM-9941-2020 praying that one more opportunity may be granted to petitioner No. 4 Mukhtar Singh to appear before the trial Court in terms of order dated 25.02.2020.

Learned counsel further submits that petitioner No. 4 had gone to Uttar Pradesh and thereafter, on account of COVID-19 situation, he could not appear before the trial Court and, therefore, he may granted 15 days' more time to comply with the said order.

Learned State counsel has not disputed the factual position.

Accordingly, the present petition is allowed and order dated 25.02.2020 is confirmed qua petitioner Nos. 1, 2, 3 and 5, subject to conditions envisaged under Section 438(2) Cr.P.C.

Petitioner No. 4 Mukhtar Singh is granted 15 days' more time from today for appearing before the trial Court, in terms of order dated 25.02.2020.

This will be, however, subject to a condition that petitioner No. 4 shall deposit a cost of Rs. 3,000/- with the District Legal Services Authority concerned.

It is made clear that if the petitioner fails to appear before the trial Court within a period of 15 days from today, this petition shall be deemed to be dismissed qua petitioner No. 4.

Criminal miscellaneous application also stands disposed of.

28.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No