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

CRM-M-29077-2021

Date of Decision: July 27, 2021

Baljit Singh @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Harchand Singh Batth,Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.197, dated 30.09.2013, under Sections 376, 506 IPC, registered at Police Station Patti, District Tarn Taran.

It has been submitted by learned counsel for the petitioner that the occurrence in question is of 15.08.2013, whereas for the reasons best known, the FIR was registered after a delay of one month and 15 days, i.e. 30.09.2013. He further submits that he had earlier approached the learned Additional Sessions Judge for grant of anticipatory bail, which was declined vide its order dated 03.06.2017. It is further submitted that he approached this Court for quashing of the FIR and this Court vide order dated 13.01.2014 issued notice of motion and stayed the further proceedings. He

further points out that the State took the stand at that time that cancellation has been filed in the present FIR and therefore, the petitioner was given the impression that the FIR has come to an end. Thereafter, when the cancellation was filed, the complainant filed a protest petition and finally the complaint as well as the FIR case commenced and both were clubbed under Section 210 Cr.P.C. by the learned trial Court. He submits that now the petitioner has been summoned by the Court by way of non-bailable warrants. He has vehemently contended that investigation is already completed and after a span of about eight years, now he has been summoned by the Court by way of non-bailable warrants.

This Court is convinced that the petitioner deserves to be granted the protection from taking into custody.

Issue notice of motion.

On the asking of the Court, Mr.M.S.Nagra, Assistant Advocate General, Punjab, accepts notice on behalf of the State.

Petitioner is allowed to appear before the trial Court within a period of five days from today and on his doing so, trial Court is directed to release him on bail as per its satisfaction. In case this direction is not complied with, the benefit of the order will not be available to the petitioner.

Petition is disposed of.

July 27, 2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |