

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-41493-2021 (O&M)**

Parminder Kumar Bodh & others ...Petitioners

Versus

State of Punjab ...Respondent

(II) CRM-M-43888-2021 (O&M)

Yogesh Prabhakar & others ...Petitioners

Versus

State of Punjab ...Respondent

Date of Decision: 22.11.2021**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Navjit Singh, Advocate, for the petitioners
in CRM-M-41493-2021.Mr. Sushant Kareer, Advocate, for the petitioners
in CRM-M-43888-2021.Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Parminder Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions i.e. CRM-M-41493-2021 filed on behalf of Parminder Kumar Bodh & others and CRM-M-43888-2021 filed on behalf of Yogesh Prabhakar & others seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.78, dated 14.04.2018, Police

Station City Phagwara, District Kapurthala, under Sections 307, 332, 353, 186, 295, 427, 148, 149 IPC; Section 25, 27 of Arms Act and Section 8-A of National Highway Act, 1956 (Sections 307, 295, 427 IPC; Section 27 of Arms Act and Section 8-A of National Highway Act, deleted later on).

2. At the time of issuance of notice of motion in CRM-M-41493-2021, the following order was passed on 04.10.2021:

“The petitioners have approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.78, dated 14.4.2018, Police Station City Phagwara, District Kapurthala, under Sections 307, 332, 353, 186, 295, 427, 148, 149 IPC, Section 25, 27 of Arms Act and Section 8-A of National Highway Act, 1956 (Sections 307, 295, 427 IPC and Section 27, of Arms Act and Section 8-A of National Highway Act, deleted later on) wherein the trial Court vide its order dated 9.2.2021 has ordered for summoning the petitioners as additional accused with the aid of Section 319 Cr.P.C.

The allegations, in nutshell, are that on 14.4.2018 a mob had indulged in rioting, arson and affray in which some persons were injured and one person lost his life.

Learned counsel for the petitioners has submitted that two FIRs in respect of the same incident were lodged wherein identical allegations have been levelled. Learned counsel submits that in the other identical FIR i.e. FIR No. 77 dated 14.4.2018, wherein also the petitioners were summoned with the aid of Section 319 Cr.P.C. in two separate challans, they had been granted interim bail by this Court in CRM-M-30826-2021.

Notice of motion for 22.11.2021.

The petitioners are directed to appear before the learned trial Court within a period of 10 days from today. Upon their appearance before the trial Court, they shall be released on interim bail subject to their furnishing bail bonds and surety bonds to its satisfaction.”

3. Similarly, in CRM-M-43888-2021 while issuing notice of motion on 19.10.2021, the following order was passed:

“Case has been heard through video conferencing on account of Covid-19 Pandemic.

The petitioners have filed the present petition under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.78 dated 14.4.2018 registered at Police Station City Phagwara, District Kapurthala under Sections 307, 332, 353, 186, 295, 427, 148, 149 of IPC, Sections 25 and 27 of Arms Act and Section 8-A of National Highway At, 1956.

Counsel for the petitioners *inter alia* contended that during the investigation, the petitioners were found innocent but later on, they were summoned by the learned trial Court under Section 319 Cr.P.C. to face trial under Sections 353, 332, 186, 148, 149 IPC. It is further contended that co-accused Parminder Kumar Bodh, who is also similarly situated, has been granted interim bail by this Court vide order dated 4.10.2021 (Annexure P-3).

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State of Punjab and admitted the factum of grant of interim bail to the co-accused.

The petitioners are directed to appear before the learned trial Court within a period of 10 days from today. On their appearance before the learned trial Court, they shall be released on interim bail by the said Court subject to their furnishing bail bonds/surety bonds to its satisfaction.

Adjourned to 22.11.2021.

To be heard along with CRM-M-41493-2021 on the date fixed, i.e., 22.11.2021.”

4. It has been informed that pursuant to interim directions issued by this Court, all the petitioners have appeared before the trial Court and have furnished bail bonds and surety bonds.
5. In view of the aforestated position coupled with the facts as noticed in the orders dated 04.10.2021 and 19.10.2021, both the

CRM-M-41493-2021 (O&M) &
CRM-M-43888-2021 (O&M)

petitions are accepted and the interim directions issued by this
Court vide orders dated 04.10.2021 and 19.10.2021 are hereby
made absolute.

23.03.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**