

208-4

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

**CRM-M No.42678 of 2021 (O&M)
Decided on: 22.11.2021**

Yogesh Prabhakar and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Shaurya Puri, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.77 dated 14.04.2018 registered under Sections 302, 307, 323, 148, 149, 353, 186, 283, 188, 160 IPC, 25/27/54/59 of the Arms Act, 3(1)(t), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 3 of the Prevention of Damage to Property Act, at Police Station City Phagwara, District Kapurthala.

The operative part of the order dated 13.10.2021, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Counsel for the petitioners has relied upon the order dated 16.09.2021 passed in CRM-M No.38506 of 2021. The operative part of the said order, reads as under:-

“Counsel for the petitioner has relied upon the order dated 04.08.2021, passed in CRM-M No.30826 of 2021, vide which interim bail has been granted to the co-

accused of the petitioner. The operative part of the said order, reads as under:-

“Learned counsel for the petitioners submits that during investigation, the petitioners were found innocent and now they have been summoned under Section 319 Cr.P.C. after 03 years.

Learned counsel for the petitioners further submits that in fact there were 03 challans presented i.e. challan Nos. 25, 26 and 28 and the petitioners are summoned in challan Nos. 25 and 26.

Learned counsel for the petitioners further submits that in challan No.25, the offences are punishable under Sections 353, 186, 283, 188, 160, 148 and 149 of the IPC and Section 3 of the Prevention of Damage to Property Act against both the parties on the statement of Inspector Gurmeet Singh and in challan No.26, the offences are punishable under Sections 302, 307, 323, 148 and 149 of the IPC, Sections 25/27/54/59 of the Arms Act and Section 3(1)(t) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act on the complaint of Kulwinder Kumar.

Learned counsel for the petitioners further submits that since the petitioners are ready to appear before the trial Court and face the trial and do not intend to challenge the order summoning them as an additional accused, which will not delay the disposal of the trial, they may be released on anticipatory bail.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present through video conferencing accepts notice on behalf of respondent-State.

List again on 22.11.2021.

In the meantime, the petitioners are directed to appear before the trial Court within a period of seven days from today and on doing so, the trial Court will release them on interim bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.”

Counsel for the petitiones has also submitted that the petitioner is also summoned under Section 319 Cr.P.C. and he do not intend to challenge the impugned order, so

as to avoid delay in disposal of the trial.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List again on 22.11.2021.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 15 days from today and on doing so, the trial Court will release him on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.”

Counsel for the petitioners has further submitted that the petitioners are also summoned as an additional accused under Section 319 Cr.P.C. and he has the instructions to say that the petitioners will not challenge the impugned order so as to avoid delay in disposal of the trial.

Notice of motion....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 13.10.2021, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 13.10.2021 is made absolute subject to the conditions envisaged under Section 438(2)

Cr.P.C.

Since the petitioners have appeared before the Investigating Officer in terms of the order dated 13.10.2021, they are also directed to appear before the trial Court within a period of 20 days from today and the trial Court will release them on interim bail subject to their furnishing bail/surety bonds including the other Session trials/cases, if any, wherein they have been summoned.

(ARVIND SINGH SANGWAN)
JUDGE

22.11.2021
yakub

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