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

CRM-M-43875-2021
Date of decision: 25.10.2021

Sukhdev Singh **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Dr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. *(Oral)*

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.41 dated 10.05.2018 registered under Sections 306, 34 IPC at Police Station Tarsika, District Amritsar (Rural).

Learned counsel for the petitioner relies upon order dated 14.10.2021 passed in CRM-M-43581-2021, vide which the following order has been passed:

> "Counsel for the petitioner has argued that initially the FIR was registered against the petitioner and other accused persons, however later on, the petitioner was found innocent and kept in Column No.2. It is further submitted that thereafter the trial Court recorded the statement and challan was presented against Vikramjit Singh and Gagandeep Singh whereas the petitioner – Malkit Singh and Sukhdev Singh were kept in Column

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> No.2. It is also submitted that now the petitioner has been summoned under Section 319 Cr.P.C.
>
> Lastly, counsel for the petitioner has submitted that he has the instructions to say that the petitioner will not challenge the summoning order by way of filing a revision and will face the trial, in accordance with law.
>
> Counsel for the State has not disputed the factual position but opposed the submissions made by counsel for the petitioner. It is also not disputed that the petitioner was kept in Column No.2 while submitting the report under Section 173 Cr.P.C.
>
> Accordingly, the present petition is allowed and the petitioner is directed to appearing before the trial Court/Illaqa Magistrate within a period of 30 days from today and the trial Court will release the petitioner on bail subject to his furnishing bail/surety bonds. Disposed of."

Learned counsel for the petitioner submits that he has instructions to say that the petitioner will not challenge the summoning order by way of filing a revision and will face the trial, in accordance with law.

Learned State counsel has not disputed the factual position but opposed the submissions made by counsel for the petitioner. It is also not disputed that the petitioner was kept in Column No.2 while submitting the report under Section 173 Cr.P.C.

Accordingly, the present petition is allowed and the petitioner is directed to appearing before the trial Court/Illaqa Magistrate within a period of 30 days from today and the trial Court will release the petitioner on bail subject to his furnishing bail/surety bonds. Disposed of.

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However, this will be subject to a condition that petitioner will not challenge the summoning order and face the trial in accordance with law.

25.10.2021 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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