

203

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.45412 of 2019 (O&M)
Decided on: 09.11.2021

Rajdeep Saini and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rubal Garg, Advocate
for Mr. Sonpreet Singh Brar, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Kuljit Singh, Advocate
for Mr. C.M. Munjal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.0182 dated 25.08.2018, registered under Sections 302, 506, 148, 149 IPC at Police Station Jandiala, District Amritsar (Rural).

The operative part of the order dated 16.11.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...It is contended by learned counsel for the petitioners that the petitioners were found innocent by the police during investigation. They have been summoned only under Section 319 Cr.P.C. The only basis for summoning the petitioners is the statement of complainant Vijay Kumar Malhotra. However, the said statement is not supported even by the son of the deceased, who was

present on the scene of the occurrence. The son of the deceased has not even named the petitioners as the assailants. It is further submitted that the petitioners would appear before the trial Court to face the proceedings.

Learned counsel appearing for the complainant submitted that the complainant has withdrawn instructions from her. Therefore, she is not in a position to represent the complainant.

Adjourned to 24.2.2020....”

Counsel for the petitioners has placed on record a photocopy of the order dated 25.11.2019 passed by the Additional Sessions Judge, Amritsar, vide which the petitioners have appeared before the trial Court and they were released on interim bail.

This petition is pending since 2019 and the interim order is continuing.

Counsel for the petitioners has also submitted that in the intervening period, there is no complaint of misuse of concession of interim bail by the petitioners.

Counsel for the petitioners has submitted that, in pursuance to the order dated 16.11.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation. It is further submitted that the case is now fixed before the trial Court, awaiting the final order in the present case as prior to summoning of the petitioners under Section 319 Cr.P.C.,

03 PWs were already examined.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 16.11.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

09.11.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No