

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

CRM-M-1393-2020 (O&M)
Date of decision: 25.04.2022

Gurdas Garg

...Petitioner

Versus

Punit Miglani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Pooja Dhingra, Advocate
for the applicant-respondent No. 1/complainant.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-14799-2022

Allowed as prayed for.

Documents are taken on record as Annexures R-1 to R-10.

Main case

The petitioner prays for grant of anticipatory bail in Criminal Complaint bearing COM No. 001/2015, dated 02.01.2015, titled as Punit Miglani vs. Anish Bansal and others, registered under Sections 307/34 IPC and Section 25 of the Arms Act, pending before the SDJM, Dabwali.

On 14.01.2020, the following order was passed:

“Learned counsel for the petitioner contends that initially, FIR No.355 dated 17.10.2013 under Sections 307/34 IPC and Sections 25/54/59 of the Arms Act was

registered in Police Station City Dabwali, District Sirsa. The Police after due investigation, filed a cancellation report in the Court of Illaqa Magistrate. The same was not accepted on account of protest petition filed by the complainant. Trial Court took cognizance on the protest petition and vide order dated 15.02.2019, accused namely Anish Bansal, Sachin Chug, Sapanjeet Chug @ Sippy and Gurdas were ordered to be summoned. Co-accused filed petition under Section 438 Cr.P.C before the Additional Sessions Judge, Sirsa in which they have been granted prearrest bail with a direction to appear before the trial Court and seek regular bail. Co-accused have been appearing in the trial Court after grant of regular bail. Petitioner could not appear before the trial Court, nor he could pray for grant of pre-arrest bail as he was not aware about the proceedings. As a result of which, PO proceedings were started against the petitioner. 15.01.2020 is the date fixed before the trial Court for deciding the application under Section 82 Cr.P.C.

In view of aforesaid facts, it would be just and appropriate to issue notice of motion for 17.03.2020.

In the meanwhile, petitioner is directed to appear before the trial Court on the date fixed and in the event of his appearance, he shall be released on interim bail subject to the satisfaction of the trial Court.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 14.01.2020, has already appeared before the trial Court and is facing trial.

Learned counsel for the petitioner further submits that a period of more than two years has passed and there is no allegation that in the intervening period, the petitioner has either absented from the Court

proceedings or has misused the concession of interim bail.

The aforesaid fact is not disputed by learned counsel for respondent No. 1/complainant.

In view of the same, the present petition is allowed and the order dated 14.01.2020 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

The trial Court is directed to proceed further in accordance with law.

25.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No