

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-6161-2022
Decided on : 27.04.2022

Jasmeet Singh and others

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Poorva Gupta, Advocate for
Mr. Sherry K. Singla, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No. 131 dated 06.05.2021 under Sections 302, 452 and 34 the Indian Penal Code, 1860 registered at Police Station Sadar Mansa, District Mansa.

On 17.03.2022, this Court was pleased to pass the following order:

“On 14.02.2022 a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioners herein seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.131 dated 06.05.2021 registered at Police Station Sadar Mansa, District Mansa, under Sections 302, 452, 34 IPC.

Learned counsel for the petitioners, inter-alia, contends that during the initial investigation, the petitioners were found to be not involved in the

alleged occurrence and their names were kept in Column No.2 in the final police report as submitted under Section 173(2) Cr.PC and now, they have been summoned by the concerned Illaqa Magistrate vide order (Annexure P-4) passed on 15.12.2021 whereas in fact, the petitioners had no role to play in the alleged crime.

Notice of motion.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, who has joined the proceedings in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. She seeks time to get the proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 17.03.2022.

*February 14, 2022 (MEENAKSHI I. MEHTA)
JUDGE”*

As per the status report of the State, the petitioner was found to be innocent and he has been summoned by the Magistrate by exercising the power under Section 190(1)(b) Cr.P.C. and the said case is now fixed for 21.03.2022.

Learned counsel for the petitioners has submitted that the petitioners are ready to appear before the trial Court in case interim protection is granted to the petitioners.

Adjourned to 27.04.2022.

In the meantime, the petitioners are directed to appear before the trial Court within a period of 15 days from today and on their appearance, the petitioners would be released on interim bail subject to the petitioners furnishing bail bonds and surety bonds to the satisfaction of the trial Court. ”

Learned counsel for the petitioners has submitted that in pursuance of the above orders, the petitioners have appeared before the Additional Chief Judicial Magistrate, Mansa and for the said purpose, has referred to the order dated 21.03.2022 passed by the Additional Chief Judicial Magistrate, Mansa. The said order is taken on record as 'Mark-A'. He has further submitted that the present petitioner Jasmeet Singh has been wrongly named as Santu Singh in the FIR and thus, his name has been mentioned as Santu Singh even in the order dated 21.03.2022.

Learned State counsel has submitted that in the present case, the petitioners were declared as innocent and were summoned by the Magistrate by exercising the power under Section 190(1)(b) Cr.P.C. and are not required by the investigating agency.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 17.03.2022 and also the fact that in compliance of the said order, the petitioners have appeared before the Additional Chief Judicial Magistrate, Mansa on 21.03.2022 and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 17.03.2022 is ordered to be made absolute.

The petitioners would be bound by the conditions as detailed in the order dated 21.03.2022.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

27.04.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No