

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+205

CRM-M-7771-2020 (O&M)

Decided on :05.04.2022

Gurbir Singh @ Gora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

CRM-12885-2022

Present application has been filed under Section 482 Cr.P.C.
for amendment in the Head Note and prayer clause of the main petition.

Learned counsel for the petitioner has submitted that he
wishes to challenge the order dated 22.01.2020. It is further submitted that
instead of the present Head Note and the Prayer clause, the following head
note and prayer clause, as mentioned in the application, be read as:-

*“1st petition under Section 482 Cr.P.C.
with Prayer for quashing of order dated 22.01.2020 in
case FIR No. 45 dated 06.07.2013 (Annexure P-1),
under Section 304/326/452/341/506/427/148/149 of IPC
at Police Station Sarai Amant Khan, District Tarn
Taran.”*

*“It is therefore, respectfully prayed that petition
under Section 482 Cr.P.C. may kindly be allowed and*

order dated 22.01.2020 (Annexure P-2) may kindly be quashed in case FIR No. 45 dated 06.07.2013 (Annexure P-1), under Section 304/326/452/341/506/427/148/149 at Police Station Sarai Amant Khan, District Tarn Taran, the interest of justice.”

Learned State counsel, on the other hand, has not opposed the present application.

Keeping in view the averments made in the application, the present application is allowed.

Registry is directed to carry out the following amendment in the petition. In place of the present head note in the petition, the following Head Note be incorporated:-

“1st petition under Section 482 Cr.P.C. with Prayer for quashing of order dated 22.01.2020 in case FIR No. 45 dated 06.07.2013 (Annexure P-1), under Section 304/326/452/341/506/427/148/149 of IPC at Police Station Sarai Amant Khan, District Tarn Taran.”

In place of the present prayer clause in the petition, the following prayer clause be incorporated:-

“It is therefore, respectfully prayed that petition under Section 482 Cr.P.C. may kindly be allowed and order dated 22.01.2020 (Annexure P-2) may kindly be quashed in case FIR No. 45 dated 06.07.2013 (Annexure P-1), under Section 304/326/452/341/506/427/148/149 at Police Station Sarai Amant Khan, District Tarn Taran, the interest of justice.”

Main Case

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 45

dated 06.07.2013 under Sections 304, 326, 452, 341, 506, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner has submitted that on 24.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion for 4.5.2020.

The petitioner is directed to appear before the learned trial Court within one week from today. The trial Court shall release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

Sd/-

February 24, 2020

*(GURVINDER SINGH GILL)
JUDGE”*

It is submitted that in pursuance of the said order, the petitioner has already appeared before the Additional Sessions Judge, Tarn Taran on 02.03.2020 and has been granted interim bail subject to furnishing bail bonds in the sum of Rs.1,00,000/- with one surety each in the like amount and the said bail bonds have been furnished, accepted and attested and even the sureties have been submitted.

Learned State counsel, on the other hand, has submitted that the present petitioner had remained absent since 22.01.2020 and thus, the present petition deserves to be dismissed.

Keeping in view the abvoesaid facts and circumstances, moreso, the fact that in pursuance of the order passed by the Coordinate

Bench, the petitioner has appeared and has been granted interim bail and has furnished bail bonds, the present petition is allowed and the order dated 22.01.2020 is set aside and the order dated 24.02.2020 is made absolute subject to the petitioner depositing an amount of Rs.5,000/- in the Punjab and Haryana High Court Employees' Welfare Association Fund within a period of one month from today and also with a direction to the petitioner to appear in the Court on each and every date except the date on which his appearance is specifically exempted by the trial Court.

It is further made clear that in case, the said amount of Rs.5,000/- is not deposited in the Punjab and Haryana High Court Employees' Welfare Association Fund then, the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

April 5th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No