

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37471-2022
Date of decision : 09.09.2022

Krishan @ Kala Sarpanch and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.393 dated 01.11.2020 registered under Sections 148, 149, 341, 427, 302 IPC at Police Station Sadar Gohana, District Sonapat.

On 24.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that in the present case, after a detailed investigation, the petitioners were declared as innocent and report under Section 173 of Cr.P.C. was submitted against Dharampal @ Pala, Aman, Mohit, Kuldeep, Sandeep and Amit. It is further submitted that large number of persons were named by the complainant and in fact, the petitioners were not even present at the spot. It is contended that even as per the allegations in the FIR, the petitioners are not stated to be specifically carrying any weapon. It is further contended that investigation has been completed and thus, custodial interrogation of the petitioners is not required. It is argued that the petitioners would appear before the trial Court within a period of 10 days

from today and undertake to appear before the trial Court on each and every date before the trial Court unless their personal appearance are specifically exempted by the trial Court. It is further argued that coaccused of the petitioners namely Sunita and Govinda have also filed a petition for grant of anticipatory bail bearing No.CRM-M-36336-2022 and they have been granted interim protection and the said case is pending for 29.09.2022.

Notice of motion for 05.09.2022.

In the meantime, the petitioners are directed to appear before the concerned trial Court within a period of 10 days from today and to give an undertaking to appear on each and every date unless their personal appearance are specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioners on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

It is made clear that in case, the petitioners does not appear before the trial Court within the aforesaid period or does not give undertaking to appear on each and every date before the trial Court unless their personal appearance are specifically exempted by the Court, then the interim order granted in favour of the petitioners would be liable to be vacated.

(VIKAS BAHL)
JUDGE”

24.08.2022

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have appeared before the trial Court on 31.08.2022 and have complied with the order dated 24.08.2022.

Learned State counsel has submitted that in the present case as per the report under Section 173 Cr.P.C., the petitioners were declared innocent and they have been summoned under Section 319 Cr.P.C.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 24.08.2022, and also the fact that the petitioners have appeared before the trial Court on 31.08.2022, the present petition is allowed and the interim order dated 24.08.2022 is made absolute. The petitioners would appear before the trial

Court on each and every date except on the date their presence is specifically exempted.

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 petition.

(VIKAS BAHL)
JUDGE

September 09, 2022
Davinder Kumar

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