

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52858-2021
Date of decision : 21.04.2022

Satish Kumar and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Shobit Phutela, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Ashit Malik, Advocate
for the complainant.

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.23 dated 13.01.2020 registered under Section 306 read with Section 34 IPC at Police Station Kurukshetra University, Kurukshetra.

On 11.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.23 dated 13.01.2020, registered for offence under Section 306 read with Section 34, IPC of the Indian Penal Code, 1860, at Police Station Kurukshetra University, Kurukshetra (Annexure P-1).

Additional documents i.e. Application dated 26.10.2021 under Section 319, Cr.P.C. for summoning the petitioners before

the Ld. Trial Court, Statement dated 26.10.2021 of Mahavir, PW-1 and Report under Section 173, Cr.P.C. by the Prosecution Agency, are taken on record as Annexures P-6 to P-8 respectively.

Counsel contends that though the petitioners, who are the family members of the son-in-law of the complainant, were specifically named in the FIR, but they were declared innocent during investigation, which was conducted by a high ranking police officer and they have been summoned as additional accused on an application filed under Section 319, Cr.P.C. He urges that no recovery is to be effected from them, they are ready to surrender before the Trial Court and join the proceedings. Still further, counsel has placed reliance on order dated 25.01.2021 (Annexure P-2), to submit that the co-accused, Surender Singh, who is the husband of the deceased, has been released on regular bail by this Court.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. She is assisted by Mr. Ashit Malik, Advocate for the complainant. State counsel, upon instructions from SI, Rampal, submits that the proceedings are pending for appearance of the accused, for 25.02.2022.

Let the petitioners surrender before the Trial Court and join proceedings on or before 25.02.2022. In case, they do so and move a petition seeking grant of bail, they shall be released on interim bail on their furnishing adequate bail bonds/sureties to the satisfaction of the Trial Court.

List on 21.04.2022.

(SUVIR SEHGAL)
JUDGE

11.02.2022”

Learned counsel for the petitioners has submitted that in pursuance of the order dated 11.02.2022, the petitioners had appeared before the trial Court and have joined the proceedings and have been released on interim bail and have also furnished bail bonds and surety bonds to the satisfaction of the trial Court and thus prayed that the order dated

Learned State counsel has submitted that in the present case the petitioners have been summoned under Section 319 Cr.P.C. after the petitioners were found to be innocent.

Learned counsel for the complainant has opposed the present petition for anticipatory bail.

Keeping in view the above said facts and circumstances, moreso the facts which have been noticed in the order dated 11.02.2022 and also the fact that the petitioners have appeared before the trial Court in compliance of the order dated 11.02.2022 and the petitioners were found to be innocent and have been summoned under Section 319 Cr.P.C., the present petition is allowed and interim order dated 11.02.2022 is made absolute.

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

April 21, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No