

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

**CRM-M-49755-2022 (O&M)
DATE OF DECISION: 26.10.2022**

Jatinder Bir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Jasdeep Singh Gill, Advocate for the petitioner.

Mr. Aman Dhir, DAG Punjab.

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner seeking anticipatory bail in case FIR No.107 dated 22.08.2006, under Section 409, 120-B IPC, registered at Police Station Dhariwal, District Gurdaspur.

2. Peculiar it seems to be, if one were to go by the averments contained in para nos.4, 5, 6 of the petition, as the same amount to making a direct allegation against the conduct of a judicial officer, inasmuch as, in not complying with import of the order passed by a Co-ordinate Bench of this Court contained at Annexure P-5.

3. On a Court query, learned counsel for the petitioner submits that despite the counsel representing before the trial Court specifically insisting that once this Court had passed specific order that no coercive steps be taken *qua* the petitioner, the learned Magistrate insisted that this court order is only upto the stage of petitioner causing the appearance before the trial Court and thereafter, nothing precludes the trial Court to pass an order to take him into custody.

4. Notice of motion.

5. On advance service of copy of the petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab.

6. Heard learned counsels for the parties.

7. Ordinarily, having read the revisional order passed by learned Sessions Court, I would have been one with the observations made therein, but for the fact that learned counsel appearing for the petitioner has strenuously argued that apprehension of the petitioner being taken in custody, despite protective order passed by co-ordinate bench of this court, is not completely unfounded. It appears that petitioner has been compelled not only to approach the Sessions Court but also this Court in view of his apprehension arising out of the observations made by the learned Magistrate in open Court. *Qua which*, though there is no specific order by trial court, but in order to obviate any possibility of being taken into custody, petitioner has resorted to second foray of seeking yet another protection order from this Court.

8. Being so, the instant petition is disposed of with a specific direction to the Court below, that upon the petitioner causing appearance, his bail bonds and surety bonds shall be accepted in terms of the order dated 23.09.2022 (Annexure P-5), already passed by co-ordinate Bench of this Court and shall not insist for the petitioner to be taken in custody.

9. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

October 26, 2022
mahavir

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No