

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-22777-2023 (O&M)

Date of decision: - 30.05.2023

Sajan Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. Prayer in the present second petition for the grant of anticipatory bail to the petitioners in case FIR No75 dated 31.07.2019, under Sections 367 & 377 IPC & Section 67(A) & 67 (B) of the Information Technology Act, 2000, at Police Station Ajitwal, District Moga.

2. On 11.05.2023, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the petitioners were not named in the FIR and no challan was presented against them and it is only at the stage of allowing of application under Section 319 of Cr.P.C. that the petitioners have been summoned as an additional accused. It is further submitted that investigation, in the present case, is over and the petitioners would fully cooperate with the trial Court and would regularly appear before the trial Court.

Notice of motion for 30.05.2023.

In the meantime, the petitioners are directed to appear before the trial Court on or before 20.05.2023 which is the date fixed before the trial Court and on doing so, they would be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of the concerned trial Court. However, the petitioners shall abide by the conditions as provided under Section 438(2) Cr.P.C.

11.05.2023

(VIKAS BAHL)
JUDGE”

3. Learned counsel for the petitioners has submitted that in pursuance of the above-said order, petitioner No.2 has appeared on 20.05.2023 and furnished bail bonds & surety bonds, which were accepted and attested by the Additional Sessions Judge, Moga. It is submitted that petitioner No.1 could not appear in pursuance of the said order and has, thus, prayed that he be permitted to withdraw the present petition qua petitioner No.1 with liberty to file a fresh petition.

4. Learned State counsel has opposed the present petition for anticipatory bail.

5. Keeping in view the above facts and circumstances of above, more so, the fact that petitioner No.2 has appeared on 20.05.2023 and furnished the bail bonds & surety bonds, which were accepted and attested by the Additional Sessions Judge, Moga, the present petition for grant of anticipatory bail qua petitioner No.2 is allowed and the interim order dated 11.05.2023 is made absolute. However, the present petition qua petitioner No.1 is dismissed as withdrawn with liberty to file a fresh petition.

6. Nothing stated above shall be construed as a final 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.

7. Pending application, if any, stands disposed of in view of the above.

May 30, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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