

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRA-S-1522-2023

Date of decision: 22.09.2023

Satbir Singh alias Satvir Singh and others

.....Appellants

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S. Mann, Advocate
for the appellants.

Mr. Pankaj Khullar, AAG, Punjab.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellants are impugning the order dated 12.05.2023 passed by learned Additional Sessions Judge, Fatehgarh Sahib whereby their application for grant of anticipatory bail under Section 438 of the Cr.P.C. in cross case bearing DDR No.28 dated 02.01.2019 under Sections 452, 323, 325, 427, 148 and 149 of the IPC and Section 3(1)(N)(O), 3(2)(V)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SCST Act') recorded in FIR No.3 dated 02.01.2019 under Sections 341, 323, 148, 149 of the IPC (Section 3 of the SCST Act added lateron), was dismissed.

2. On 02.06.2023, while noticing the following submissions made by the learned counsel for the appellants, a Coordinate Bench of this Court, had granted the concession of interim bail to the appellants and asked them to appeal before the learned Trial Court on or before the next date fixed in the trial:-

“The counsel for the appellants inter alia contends that the appellants who were named in the concerned DDR were found innocent by the police and not challaned by the police but are now summoned as additional accused by the learned trial Court by invoking provision of Section 319 Cr.P.C. vide order dated 30.7.2022 (Annexure A-3). The counsel for the appellants submits that the appellants are ready to join proceedings in the learned trial Court.”

3. Learned counsel for the appellants submits that in compliance of order dated 02.06.2023, the appellants appeared before the Trial Court concerned and thereafter admitted to interim bail. In support, he has filed copy of order dated 04.07.2023 of the Trial Court wherein the factum of the appellants having released on interim bail stands reflected. Copy of order dated 04.07.2023 is taken on record subject to all just exceptions.

4. Learned State counsel, on instructions, does not dispute the factum of the appellants having appeared before the Trial Court and thereafter admitted to interim bail.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Since the appellants have appeared before the Trial Court concerned in compliance of order of this Court, and been admitted to interim bail, the instant appeal is allowed and the impugned order dated 12.05.2023 is set aside. Interim order dated 02.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

22.09.2023

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(MANJARI NEHRU KAUL)
JUDGE

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