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

CRM-M-29675-2023

Date of decision: 01.09.2023

Sajan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.75 dated 31.07.2019 registered under Section 367 of the Indian Penal Code, 1860 and Sections 67(A) and 67(B) of the Information Technology Act, 2000 (Section 377 of IPC has been added later on) at Police Station Ajitwal, District Moga.

2. On 03.07.2023, this Court had passed the following order:-

“Inter alia contends that the petitioner was not named in the FIR and no challan has been presented against him and the petitioner has been summoned under Section 319 Cr.P.C. as an additional accused. It is further submitted that the next date before the trial Court is 19.08.2023 and the petitioner undertakes to appear before the trial Court on or before the said date of hearing. It is stated that the earlier anticipatory

bail filed by the petitioner was dismissed as withdrawn on 30.05.2023 with liberty to file a fresh bail application and it is in pursuance of the said order that the present second anticipatory bail has been filed.

Notice of motion for 31.08.2023.

In the meantime, the petitioner is directed to appear before the trial Court on or before 19.08.2023 and on doing so, the trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The petitioner shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Today, learned counsel for the petitioner, in pursuance of the abovesaid order dated 03.07.2023, has filed a copy of order dated 19.08.2023 in the Court which is taken on record and marked as Mark “A”, to highlight the fact that the petitioner, in pursuance of the abovesaid order passed by this Court, had appeared before the trial Court and initially submitted personal bonds in the sum of Rs.1 lacs and he was further directed by the trial Court to furnish the surety bonds within five days from 19.08.2023.

4. Learned counsel for the petitioner has further referred to order dated 22.08.2023 and filed a copy of the same in the Court today which is taken on record and marked as Mark “B” in order to show that the surety bonds on behalf of the petitioner have been furnished, accepted and attested and that the petitioner has thus, complied with the order dated 03.07.2023 passed by this Court. It is prayed that in view of the same, the interim order dated 03.07.2023 be confirmed.

5. Learned counsel for the State, on instructions from ASI Sandeep Kumar, has not disputed the abovesaid facts.

6. Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 03.07.2023 and also the fact that in pursuance of the same, the petitioner has appeared before the trial Court and has been granted the concession of interim bail vide order dated 19.08.2023 and has complied with the conditions as mentioned in the order dated 03.07.2023, the present petition is allowed and the interim order dated 03.07.2023 is ordered to be made absolute.

7. However, 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 application.

01.09.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No