

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

CRM-M-30278-2023

Date of decision : 15.11.2023

Bikramjeet Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. L.M. Gulati, Advocate with
Ms.Divya Gulati, Advocate for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.189 dated 18.12.2016, under Sections 307, 452, 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Kamboj, District Amritsar Rural.

(2) Above FIR was registered on the basis of statement made by complainant that petitioners inflicted injuries upon the complainant and illegally trespassed into the house of complainant.

(3) This Court, on 12.06.2023, passed the following order:-

“Contends, inter alia, that on account of demise of close relative, petitioners could not appear before the Court below on 20.03.2023 and that led to cancellation of their bail and forfeiture of bail-bonds and surety bonds.

Notice of motion.

Mr. Ferry Sofat, Addl. A.G., Punjab, accepts notice and seeks time to have instructions in the matter.

Posted on 19.07.2023.

In the meanwhile, petitioners shall surrender before the Court below and the learned trial Court shall admit them to bail on furnishing adequate bail and surety bonds to its satisfaction. The petitioners shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Thereafter, the petitioners were released on interim bail by the learned trial court on 12.07.2023. Copy of the order is taken on record as Mark ‘X’ and the same is as under:-

“ This application for surrender and bail and for confirmation of order dated 12.06.2023 passed by the Hon’ble High court, is filed before me today. It be registered.

Perusal of file reveals that accused applicants Bikramjit Singh and Gurdeep Singh have been absented from the Court on 20.03.2023 and their bail orders were canceled and bail/surety bonds were forfeited to state.

The present application has been filed on behalf of the accused/applicants for acceptance of bail bonds and surety bonds and also produced copy of the order dated 12.06.2023 passed by Hon’ble High Court of Punjab & Haryana, Chandigarh in CRM-M-30278 of 2023. Notice of same has been given to learned Addl. Public Prosecutor for the State, who is present in the court. As per report of Ahlmad, he has confirmed the order passed by the Hon’ble High Court from Website. In view of the report and the order of the Hon’ble High Court, accused/applicants are allowed to furnish the bail bonds in the sum of Rs. One lac each with one surety in the like amount. Papers be attached with the main file.”

(5) The above interim concession granted by learned trial Court is still continuing.

(6) Also acknowledged by both sides that petitioners are regularly appearing before the Court below and there is no apprehension that they are likely to flee from justice; nor any other criminal case is stated to be pending against them.

- (7) As the petitioners are on interim bail w.e.f. 12.07.2023; therefore, no purpose would be served to keep the matter pending and/or to send the petitioners in custody at this stage.
- (8) As a result thereof, there is no option except to make the interim order dated 12.07.2023, absolute and petitioners are ordered to be released on bail pending trial subject to furnishing fresh bail bonds.
- (9) Ordered accordingly.
- (10) The petitioners shall appear on each date of hearing and to fully co-operate with learned trial court without seeking any unnecessary adjournment(s).
- (11) The above observation may not be construed as an expression of opinion on the merits of the case.
- (12) It is clarified that in case, there is any misuse of concession on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.
- (13) Disposed off accordingly.
- (14) Pending application(s), if any, shall also stand disposed off.

November 15th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No