

CRM-M-43135-2023
Date of decision: 02.11.2023

...Petitioner

...Respondent

Mr. Subhash Godara, Addl. A.G., Punjab.

By way of present petition filed under Section 438 Cr.P.C, the
 seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
90	11.09.2017	283 and 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984.	Bariwala, District Sri Muktsar Sahib.

2. Reply dated 18.09.2023 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. It is submitted by learned counsel for the petitioner that in compliance to the order dated 04.09.2023, the petitioner has surrendered in Court on 16.09.2023 and furnished the requisite bail bonds.

4. Learned State counsel, on instructions from ASI Gurmeet Singh, has intimated that the petitioner has already appeared in the trial Court and is facing trial.

5. The present petition has been filed by the petitioner on account of the fact that during the course of trial on 05.08.2023, the petitioner could not appear in the Court and had moved an application seeking exemption which, however, was dismissed, leading to cancellation of the bail. Vide order dated 04.09.2023, the petitioner was directed to appear in the Court of learned Judicial Magistrate Ist Class, Sri Muktsar Sahib and furnish the requisite bail bonds.

6. As stated above by learned State counsel, the petitioner has already appeared and furnished the requisite bail bonds with the trial Court and is facing the trial. Therefore, in these circumstances, without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 04.09.2023 is, hereby, confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C., that the petitioner will come and join the investigation as and when so required; will not tamper with the evidence and will not leave the country without prior permission and will appear in Court on each and every date of hearing.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

02.11.2023

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No