

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.205**

**CRM-M-46058-2022**

**Date of decision: 22.02.2023**

Kultar Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. A.S. Manaise, Advocate  
for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

Ms. Himani Kapila, Advocate  
for respondent No.2.

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**DEEPAK SIBAL, J. (Oral)**

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.53 dated 27.05.2021 registered under Sections 307, 452, 458, 324, 326, 148, 149 and 34 IPC at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

On October 10, 2022, this Court had passed the following order:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, who have been booked for having committed the offences punishable under Sections 307, 452, 458, 324, 326, 148, 149 and 34 IPC, in a case arising out of FIR No. 53, dated 27.05.2021, registered at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

Learned counsel for the petitioners submits that during investigation, as per recording of CCTV footage, it was found that both the petitioners were present at their residence, and accordingly they were found innocent. However, vide order dated 30.07.2022 (Annexure P-7), passed by learned Additional Sessions Judge, Gurdaspur, both petitioners have been summoned, under Section 319 Cr.P.C., to face trial as accused.

Notice of motion.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to file response.

Adjourned to 13.02.2023.

In the meanwhile, on appearance of the petitioners before learned Court below on or before 17.10.2022, they shall be released on ad-interim bail, subject to the satisfaction of the concerned Court. The petitioners shall abide by all the conditions laid down under Section 438(2), Cr.PC.”

Learned State counsel submits that in pursuance to the afore-quoted order, the petitioners have appeared before the trial court and on such appearance they have been admitted to ad interim bail.

In the light of the submissions made on behalf of the petitioners as have been recorded in the afore-quoted order; the petitioners having been found innocent by the police; they having not been attributed the injury attracted the applicability of Section 307 IPC and because they have shown their bona fides by appearing before the trial court in terms of the afore-quoted order of this Court, subject to the petitioners' abiding by the conditions prescribed under Section 438(2) Cr.P.C., the order of this Court dated 10.10.2022, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

**February 22, 2023**

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**(DEEPAK SIBAL)**

**JUDGE**

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No