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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49966-2023 (O&M)

Date of decision : 15.12.2023

Karnail Singh Birdi & Anr.

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tapish Gupta, Advocate for the petitioners.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Avtar Singh Syan, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. On 04.10.2023 the following order was passed :

“The petitioners herein seek the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.255 dated 03.10.2022 registered at Police Station Division No.6, District Police Commissionerate Ludhiana, under Sections 343, 365, 389, 406, 466, 471, 506 IPC, wherein the offence under Section 376 IPC is stated to have been added later-on and they have been summoned to face the trial as the additional accused for committing the offences under Sections 120-B, 343, 389, 466, 471 & 506 IPC.

Learned counsel for the petitioners, inter-alia, contends that initially, during the investigation of the criminal case under reference, both the petitioners had been found to be innocent but now, they have been summoned by the trial Court in the said case vide the order (Annexure P-4)

as passed on 21.08.2023 on an application moved by the complainant, through the prosecuting agency, under Section 319 Cr.P.C whereas no specific role in the alleged crime, has been attributed to them (petitioners) in the subject FIR and moreover, their co-accused named Narinder Singh Birdi @ Sonu, who is their son, has already been extended the relief of anticipatory bail by the Co-ordinate Bench vide the order dated 10.05.2023 (Annexure P-13) and to add to it, they are also not involved in any other criminal case.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

At this stage, Mr. Avtar Singh Syan, Advocate, has also put in appearance on behalf of the complainant and has submitted his Power of Attorney in the Court and the same has been placed on the file. He opposes the request of the petitioners for the grant of relief of anticipatory bail.

Adjourned to 15.12.2023.

The petitioners shall appear before the trial Court on 25.10.2023 in the above-referred criminal case and they shall be released on ad-interim bail subject to their furnishing the requisite personal and surety bonds to the satisfaction of the trial Court.”

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2. Learned counsel for the petitioners states that pursuant to the order dated 04.10.2023 the petitioners have surrendered before the Trial Court and have been released on ad-interim bail on furnishing the requisite bail bonds.

3. Learned counsel for the State on instructions from ASI Paramjeet Singh has contended that the petitioners have surrendered before the Trial Court and have been released on bail.

4. In view of the above, the interim bail granted to the petitioners vide order dated 04.10.2023 is hereby made absolute subject to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

15.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO