

206/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55624-2022
Date of Decision: 07.07.2023

DALVIR SINGH BAINS ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Sharma (Vasudeva), Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Ms. Reena Bains, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. On 01.12.2022, following order was passed by the Co-ordinate

Bench:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in Complaint No.337 of 2019, CIS No.30 dated 24.07.2019, registered for offences under Sections 376, 506, IPC, and Section 25 of the Arms Act, 1959, at Police Station Garhshankar, District Hoshiarpur, Annexure P-4.

Counsel for the petitioner submits that the petitioner is the brother-in-law of the complainant and has been summoned in a private complaint, Annexure P-4, vide order dated 22.04.2022 passed by Sub Divisional Judicial Magistrate, Garhshankar, Annexure P-6. He contends that FIR, Annexure P-1, was registered by the complainant on the same allegations, and after investigation, a cancellation report has been submitted. It is his argument that the private complaint has been filed on the same set of allegations. Counsel submits that the petitioner is ready to appear before the Trial Court and join the proceedings.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of State-respondent No.1.

Respondent No.2 be served for 18.04.2023.

Let the petitioner surrender before the Trial Court and join the proceedings within a period of 10 days from today. In case, he does so and moves an appropriate application, Trial Court shall release him on ad interim bail on his

furnishing bail/surety bonds on its satisfaction.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has surrendered before the trial Court.
3. Learned State counsel and counsel for respondent No.2 has not assailed the aforesaid factual aspect.
4. Learned counsel for respondent No.2 submits that there are serious allegations with regard to commission of heinous crime and in such circumstances, the petitioner is not entitled to extra-ordinary relief of anticipatory bail.
5. It may be mentioned here that it has been specifically and categorically observed in the order dated 01.12.2022 that the petitioner has been summoned in a private complaint submitted by respondent No.2 and in the FIR which was registered on the same allegations, after investigation cancellation report has been submitted. As such, the genuineness of the allegations is to be adjudicated during the course of trial and sufficient extra-ordinary circumstances are made out to extend the pre-arrest bail to the petitioner. As such, the order dated 01.12.2022 is made absolute.
6. The petition is allowed, subject to the condition that the petitioner shall comply with other conditions as specified under Section 438(2) of the Code of Criminal Procedure and shall also furnish fresh bail bonds in the trial Court within a period of one month.

07.07.2023

Janki

(VIVEK PURI)
JUDGE