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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2975-2024 (O&M)
Date of decision: 20.03.2024

Makhan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Harnaaz Kaur Hundal, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.121 dated 21.08.1989 under Section 212 & 216(A) of IPC and Sections 3, 4 & 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1985, which were added later on (TADA Sections were removed subsequently), registered at Police Station Sadar Nakodar, District Jalandhar Rural.

On 30.01.2024, the following order was passed:-

“The petitioner, by way of present petition filed under Section 438 Cr.P.C., seeks grant of pre-arrest bail in FIR No.121 dated 21.08.1989, original registered under Sections 212 &

216(A) of IPC and Sections 3, 4 & 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1985, which were added later on (TADA Sections were removed subsequently), registered at Police Station Sadar Nakodar, District Jalandhar Rural (Punjab).

Learned counsel for the petitioner, inter alia, contends that though the prayer made by the petitioner for grant of anticipatory bail was declined by learned Additional Sessions Judge, Jalandhar on the ground that he was declared as Proclaimed Offender and there was no exceptional circumstances made out; however, she submits that despite having applied for certified copy of the order, whereby the petitioner was allegedly declared as Proclaimed Offender, the same has been returned in original with the report that no such order can be found on the file. Learned counsel further submits that the petitioner, who is 65 years' old age, stands acquitted in all other criminal cases registered against him and recently lost his son. She also points out that the petitioner never intended to evade the process of law and even today, he is willing to join the investigation / proceedings. She further submits that the offence against the petitioner in the present FIR remains under Section 212 & 216 (A) of the Indian Penal Code, as the provisions of Terrorist and Disruptive Activities (Prevention) Act, 1985 stands deleted by the investigating agency itself.

Notice of motion for 20.03.2024.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

In the meanwhile, the petitioner is directed to surrender himself before the trial Court concerned within two weeks from today and will furnish his bail / surety bonds, which shall

*be accepted by the trial Court to its satisfaction and till then,
no coercive steps shall be taken against him.”*

Learned State counsel, on instructions from ASI Rajinder Kumar, at the very outset, informs the Court that the petitioner has already appeared before the learned trial Court and he has been released on bail.

In view of the statement made by learned State counsel, the order dated 30.01.2024 is hereby made absolute.

The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

20.03.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No