

Sarabjit Singh etc. Vs. State etc.

Present: Sh. Savrit Saini Adv. Counsel for applicants
Sh. Ashok Kumar Addl. PP for the State

ORDER

1. The learned counsel for the applicants prayed for grant of interim anticipatory bail to the applicants in a complaint pending in the court of Sh. Manav, PCS, learned Judicial Magistrate 1st Class, Hoshiarpur, under Sections 452,323,506,34 IPC on the ground that the complainant has filed a false and vague complaint against the applicants. The applicants are innocent and have been falsely implicated in this complaint case. No offence under Sections 452,323,506,34 IPC is made out from the contents of the complaint as the applicant no.1 already given a huge amount of Rs.28 lacs, 14 Mls. Plot and about 6 acre of land to the complainant. The learned counsel for applicants further argued that the applicants undertake to abide by all the conditions of bail if they are released on interim anticipatory bail and accordingly prayed for grant of interim anticipatory bail to the applicants.

3. On the other hand learned Addl. PP for the State has argued that the applicants are not entitled for concession of interim anticipatory bail as they have been summoned by the learned trial court in a complaint case filed against them under Sections

452,323,506,34 IPC.

4. After hearing the learned counsel for the applicants, learned Addl. PP for the State, this court is of the opinion that the applicants have been summoned by the learned trial court for the commission of offence under Section 452,323,506,34 IPC. It is a complaint case. So, the presence of the applicants is required for the purpose of trial only. The allegations against them are yet to be established by the complainant, after they leads their evidence. Nothing is to be recovered from the applicants-accused and their presence is required for trial purpose only and no purpose would be served by sending them behind the bars. Hence it is a fit case in which interim anticipatory bail can be granted to the applicants and accordingly the applicants are directed to surrender before the learned trial court/Duty Magistrate within seven days from today and on their doing so the learned trial court/Duty Magistrate is directed to release the applicants on interim bail on their furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount each to the satisfaction of Illaqa/ Duty Magistrate subject to the conditions contained under Section 438 (2) Cr.P.C.

Record of learned trial court be summoned for 09.10.2018. Notice to complainant be also issued for the date fixed.

Pronounced in open Court
Dated : 26.09.2018

(RK Khullar)

(Anil Kumar JW)

Additional Sessions Judge,
Hoshiarpur.
(UID No.PB-0215)

