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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5399 of 2019

Date of decision: November 27, 2019

Gursharan Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parvesh K. Saini, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing of order dated 18.01.2019 (P-4) passed by the learned Additional Session Judge, Sangrur in case/complaint titled as “Lachmi Devi versus Gursharan Singh and others” under Sections 195, 193, 196, 199 and 200 of the Indian Penal Code, 1860, whereby application of the petitioners to extend the period for surrender before learned trial Court has been dismissed.

Mr. Aminder Singh, Advocate appears, files Power of Attorney on behalf of respondent No.2 and the same is taken on record.

On 05.02.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that on account of some communication gap with the counsel of the petitioners before the learned trial Court, petitioners could not comply with the order dated 21.12.2018 and they are ready to do the needful.

Notice of motion for 26.02.2019.

In the meanwhile, the petitioners are directed to appear before learned trial Court in terms of the order dated 21.12.2018 and in case of their surrender and moving an

application for bail, they be released on interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to its satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners has produced the certified copy of order dated 15.02.2019 passed by the learned Judicial Magistrate Ist Class, Sangrur and the same is taken on record as mark 'X'. Perusal of the same reveals that, in terms of order dated 05.02.2019 passed by this Court, the petitioners have joined proceedings before the learned trial Court and were released on bail.

The above factual position is also acknowledged by the learned State counsel, on instructions from police official present in Court to assist him.

In view of the above, order dated 18.01.2019 passed by the learned Additional Sessions Judge, Sangrur is set aside and order dated 05.02.2019 granting interim bail to the petitioners, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the learned trial Court.

(MAHABIR SINGH SINDHU)
JUDGE

November 27, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No