

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-55536-2018

Date of Decision: 18.03.2019

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the order dated 12.05.2016 (Annexure P-3) passed by learned Chief Judicial Magistrate, Amritsar, in FIR No.8 dated 02.02.2016 under Sections 406, 498-A, 420 IPC, registered at Police Station Women, Amritsar, District Amritsar.

The order dated 12.05.2016 (Annexure P-3) passed by learned Chief Judicial Magistrate, Amritsar, reads as under:-

“Today an application under section 105B of Cr.P.C. has been moved by the prosecution for issuance of summons/warrants of accused Lakhwinder Singh son of Nirmal Singh r/o village Jahangir, District Tarn Taran C/R/O 321585 St NW T6K 2Y7 Edmonton Alberta Canada. Perusal of the application reveals that the prosecution has sought issuance of summons/warrants of the accused with regard to FIR No.8 of 02.02.16 under

section 498A, 406, 420 IPC, Police Station, Women Amritsar. This court is satisfied that the attendance of the accused is required in the present case. Accordingly, warrants of the accused be again issued for 6.10.2016.”

On December 17, 2018, this Court while staying arrest of the petitioner for a period of six weeks had directed the petitioner to appear/surrender before the trial court and to join the proceedings with a further rider that in case the petitioner appears/surrenders before the trial court, he would be released on interim bail by the trial court subject to its satisfaction. It was also made clear that in case petitioner fails to appear/surrender before the trial court within the stipulated period granted to him, interim protection granted by this Court shall automatically stand vacated.

Learned counsel for the petitioner has argued that pursuant to the aforesaid order, petitioner has appeared before the trial court and has been ordered to be released on bail.

Learned State Counsel on instructions from ASI Avtar Singh does not dispute the fact that the petitioner has appeared before the trial court and has been released on bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of the trial court, as reflected in the order dated 21.01.2019 passed by learned Judicial Magistrate 1st Class, Amritsar. The trial court has further directed the petitioner to appear before the Investigating Officer and resultantly, the petitioner has appeared before the Investigating Officer on 25.01.2019.

Considering the fact that the petitioner has appeared/surrendered before the trial court and has been admitted on bail and further he joined the investigation, the present petition is dismissed as

having been rendered infructuous.

However, the petitioner shall pay ₹10,000/- with the Legal Services Authority, Punjab, within a period of two weeks from today.

March 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No