

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

CRM-M-31362 of 2020

DECIDED ON: 22nd November, 2021

Madan Lal

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vishal Sharma, Advocate for
Mr. Deepak Gupta, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 136 dated 24.8.2020, under Sections 384, 420 read with Section 34 IPC, 1860 and later on added Section 7 of PC Act vide DDR No. 51 dated 25.8.2020, registered at Police Station City Jalalabad, District Fazilka.

The matter is pending since October 2020. The petitioner was granted interim bail by Court below for six weeks on 9.6.2021. The period for interim bail expired. In the custody certificate dated 17.11.2021, a note is mentioned which reads as under:

"Note: The above said accused was released on interim bail on dated 10.6.2021 vide order No.337 dated 10.6.2021 by Court of Sh. Vishesh JSC Fazilka and directed to surrender back him on 27.07.2021 but he did not surrender in jail till date."

Learned counsel for the petitioner submits that the interim bail was extended beyond 27.7.2021 but is not disputing the fact that the petitioner has not surrendered *inspite of* fact that at present there is no extension. Argument is that the petitioner is regularly appearing before the Court.

Suffice-to-say that the petitioner is a police official and he knows the difference between surrender after interim bail and appearance in the Court.

Learned State counsel submits that under trial are required to surrender back and submits that there is no extension of interim order rather instructions were issued to under trial to surrender.

Considering the conduct of the petitioner that after availing interim bail he has not surrendered back, the petition is dismissed at this stage.

However, the petitioner would be at liberty to avail remedy for grant of bail after surrender.

22nd November, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>