

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

(220)

CRM-M-45138-2021 (O&M).
Date of Decision:-16.11.2021.

Satpal Sidhu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gautam Kaile, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing/setting aside of the FIR No.0164 dated 14.10.2021 under Section 229-A of IPC, registered at Police Station Division No.2, District Pathankot (Annexure P-4) and order dated 14.10.2021 (Annexure P-5), whereby the Judicial Magistrate 1st Class, Pathankot has ordered to issue proclamation against the petitioner and recover the surety amount from the surety and non-bailable warrants were issued against the petitioner and also the proceedings under Section 82 of Cr.P.C. was initiated and notice was issued to him.

On 28.10.2021, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner inter alia contends
that in the present case, as per the prosecution version, an*

amount of Rs.30,000/- was paid by the complainant to the petitioner. It is submitted that the petitioner is ready to make the said payment of Rs.30,000/- to the complainant and also ready to finally settle the matter. Learned counsel for the petitioner has also submitted that next date of hearing before the trial Court is 08.11.2021 and in case, the interim protection is granted to the petitioner, he would appear on the said date and also on the subsequent dates unless specific exemption is granted by the Court.

Notice of motion.

On advance notice, Mr. A.K. Kaundal, DAG, Punjab, appears and accepts notice on behalf of respondent No.1- State of Punjab and seeks time to get instructions.

Adjourned to 16.11.2021.

In the meantime, non-bailable warrants issued to the petitioner shall remain stayed.

In view of the statement made by learned counsel for the petitioner, the petitioner is directed to deposit an amount of Rs.30,000/- before the trial Court on or before the next date of hearing i.e. 08.11.2021 and on his said deposit and also on furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned Judicial Magistrate Ist Class/Duty Magistrate/Trial Court, the petitioner shall be released on interim bail.

However, it is clarified that in case, the said amount of

CRM-M-45138-2021 (O&M)

Rs.30,000/- is not deposited, then the present petition would be deemed to have been dismissed.

It would be open to the complainant to move an application to withdraw the said amount of Rs.30,000/-.”

In pursuance of the above order, the petitioner has appeared before the Judicial Magistrate 1st Class on 08.11.2021. The order dated 08.11.2021 passed by the Judicial Magistrate 1st Class is reproduced hereinbelow:-

“Accused Satpal Sidhu surrendered in the Court and his counsel Shri Nippun Mattu, Advocate moved separate application for surrender and for furnishing bail/surety bonds and for depositing amount of Rs.30,000/-, as directed by Hon’ble Punjab and Haryana High Court.

Ahlmad has confirmed the order.

I have also seen the order dated 28.10.2021 in CRM-M-45138-2021, wherein Hon’ble High Court was pleased to order that petitioner is to deposit amount of Rs.30,000/- before the Trial Court on or before next date of hearing i.e. 08.11.2021 and on his said deposit and also on furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned Court, the petitioner shall be released on interim bail.

Thus, in compliance to the order of Hon’ble High Court and in view of application, the amount of Rs.30,000/- is deposited by applicant/accused Satpal Sidhu, for which receipt is issued. Let, notice to complainant regarding said deposited amount be issued for next date i.e. 03.01.2022.

CRM-M-45138-2021 (O&M)

Further, in compliance to order of Hon'ble High Court accused is ordered to be released on interim bail, upon furnishing bail bonds in the sum of Rs.1 lakh with one surety of like amount, which is subject to further order passed by Hon'ble High Court in petition CRM-M-45138-2021 titled as Satpal Sidhu vs State of Punjab and another, pending for 16.11.2021. Requisite bonds furnished, which are accepted and attested. Accused be released forthwith.

For awaiting further order from Hon'ble High Court now to come on 03.01.2022."

Since the petitioner has appeared before the trial Court and has furnished the bail bonds, which have been accepted and attested, the interim order dated 28.10.2021 is made absolute. The order dated 14.10.2021 (Annexure P-5) is set aside on the condition that the petitioner will continue to appear before the trial Court on every date, unless specially granted exemption from appearance. It would be open to the petitioner to file a fresh petition for quashing of the FIR No.0164 dated 14.10.2021 in case the matter is finally resolved with respondent No.2.

The complainant would be entitled to receive the said amount of Rs.30,000/- as has been stated in the interim order.

Disposed of in the above terms.

Since the main case has been decided, all pending miscellaneous applications shall stand disposed of.

(VIKAS BAHL)
JUDGE

November 16, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No