

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-51643-2019

Date of decision: - 12.10.2021

Jagpal Singh @ Raja

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. J.S. Gill, Advocate,
for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana

HARSIMRAN SINGH SETHI, J. (ORAL)

After arguing for some time, learned counsel for the petitioner prays that he be allowed to withdraw the present petition.

Ordered accordingly.

It may be noticed here that this Court vide order dated 14.01.2021 granted the interim bail to the petitioner till 13.05.2021. In the said order, it was noticed that on the adjourned date i.e 17.05.2021, the orders on the prayer of the petitioner for the grant of regular bail will be passed after considering the conduct of the petitioner as well as progress in trial, subject to the surrender of the petitioner by 13.05.2021.

Learned State counsel, on instructions ASI Rakesh Kumar, submits that the petitioner did not surrender on 13.05.2021, as directed by

this Court, vide order dated 14.01.2021, but filed an application before the learned trial Court for the extension of his interim bail. Learned State counsel further submits that the petitioner has been getting extension of the interim bail from the learned trial Court and the last order was passed on 24.09.2021 by learned Additional Sessions Judge, Sirsa, extending the interim bail to the petitioner up to 13.10.2021.

From the facts, which have been narrated herein before, it is not clear that as to how the interim bail granted by this Court on 14.01.2021, which expired on 13.05.2021, has been extended by the learned trial Court upon an application filed by the petitioner. Petitioner did not appear before this Court in the present case on the dates fixed i.e. 03.09.2021 as well as on 20.09.2021 and rather filed an application before the learned trial Court seeking the extension of interim bail granted by this Court, which is very shocking. A perusal of the order dated 24.09.2021 passed by the Additional Sessions Judge, Sirsa, make it clear that, trial Court was aware of the present proceedings pending before this Court, but still interim bail granted by this Court dated 14.01.2021 was being extended even though petitioner did not surrender as per the said order dated 14.01.2021.

Before any order is passed by this Court in respect of the above said facts, let the explanation be sought from the Additional Sessions Judge, Sirsa, who has extended the interim bail to the petitioner, vide order dated 24.09.2021, as to how the interim bail granted by this Court vide order dated 14.01.2021 was extended especially when the petition was pending before this Court wherein the said interim bail was

granted, according to which, petitioner was required to surrender on 13.05.2021, which direction was not complied with by the petitioner.

For consideration of the explanation of the Additional Sessions Judge, Sirsa, put up before this on 01.11.2021.

As the petitioner has already withdrawn the present petition and the interim bail granted by this Court, vide order dated 14.01.2021 has already expired and the petitioner was supposed to surrender on 13.05.2021, petitioner is directed to surrender before the jail authorities concerned forthwith, failing which, the jail authorities are directed to secure custody of the petitioner by following the due procedure as prescribed under law.

(HARSIMRAN SINGH SETHI)
JUDGE

October 12, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No