

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

115 + 218

**CRM-M-11546-2021 (O &M)
Date of decision: 21.02.2022**

GURSAHIB SINGH AND ANR.Petitioners

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Ms. Riffi Birla, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-2080-2022

For the reasons mentioned in the application, the same is allowed and the copy of receipt dated 24.09.2021 to the effect that petitioner deposited the cost of Rs. 25,000/- with the PGIMER, Poor Patient Welfare Fund in compliance of the order dated 10.12.2021 is taken on record as Annexure P-7 and the petitioners are exempted from filing the certified/true typed copy of the same.

CRM-M-11546-2021

Vide order dated 13.09.2021, learned Co-ordinate Bench passed the following order :-

“Counsel for the petitioners submits that the petitioners were released on anticipatory bail vide orders dated 17.08.2017 and 01.05.2017, Annexures P-2 and P-3 respectively in FIR No. 63 dated 30.03.2017, registered for offences under Sections 452, 342, 506, 427, 148 and 149

of the Indian Penal Code, 1860, at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1). She submits that since the petitioners could not appear at the time of presentation of the challan, by virtue of impugned order dated 05.01.2019 (Annexure P-6), they were declared as “proclaimed persons”. She urges that the order declaring the petitioners as proclaimed persons has been passed in violation of the mandatory provisions of Section 82 of the Code of Criminal Procedure, 1973. She submits that she has instructions to state that the petitioners will surrender before the trial Court within two weeks, join the proceedings and deposit the costs of Rs.25,000/-.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of State-respondent No.1.

Let petitioners surrender before the Trial Court within a period of two weeks and file a petition seeking grant of bail. In case they do so, Trial Court shall release them on interim bail, subject to deposit of costs of Rs.25,000/- with the PGIMER, Poor Patient Welfare Fund, Sector 12, Chandigarh. The deposit of costs shall be a pre-condition for entertaining the petition seeking regular bail...”

Learned Counsel for the petitioners would submit that in compliance of the aforesaid order, the petitioners have surrendered before the learned trial Court and they have been admitted on regular bail rendering the present petition infructuous.

Disposed of as having become infructuous.

21.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No