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

CRM-M-34390-2022 (O&M)

Date of decision : 23.11.2022

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 13.10.2009 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Hoshiarpur in FIR No.143 dated 10.07.2008 registered under Sections 382, 411, 506, 120-B and 34 of Indian Penal Code, 1860 at Police Station Model Town Hoshiarpur District Hoshiarpur.

On 05.08.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the name of the petitioner was not mentioned in the FIR and as per the allegations levelled in the FIR, there were only two unknown accused, one who had snatched the carry bag and the other who was standing with the motorcycle with its ignition on, yet three persons were tried in the present case and vide judgment dated 26.10.2015, the said three persons have been acquitted. It is further submitted that the petitioner was arrayed as an accused in the FIR on the basis of disclosure statement of co-accused and the petitioner was not aware of his having been made an accused and he had gone to

*Australia in the month of November, 2008 and he had no information regarding the said case. It is contended that in another case of similar nature which was also registered in the year 2009, in which, the petitioner was also declared as proclaimed offender, the petitioner had filed a petition bearing No.CRM-M-27514-2022 and vide order dated 14.07.2022 passed by a Coordinate Bench of this Court, the said petition was allowed and the petitioner was granted interim bail subject to deposition of Rs.80,000/- with the Director PGIMER, Chandigarh Poor Patient Welfare Fund. It is further contended that the petitioner would appear before the trial Court and would also appear before the Investigating Officer of the case within a period of one month from today and prays that the petitioner be granted interim protection. Reliance has been placed upon the judgments passed by this Court in **Deepak Vs. State of Punjab**, reported as **2015(6) RCR (Criminal) 353**, and **Sunil Kumar Vs. State**, reported as **2002 (1) RCR (Criminal) 119**.*

Notice of motion for 07.09.2022.

In the meantime, the operation of order dated 13.10.2009 (Annexure P-1) and the arrest of the petitioner shall remain stayed and the petitioner would also not be arrested at the Airport, subject to the petitioner appearing before the trial Court and Investigating Officer within a period of one month from today and also subject to the petitioner depositing an amount of Rs.45,000/- (Rs.15,000/- each, with the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, Punjab and Haryana High Court Employees' Welfare Association Fund and High Court Lawyers' Welfare Fund) within the aforesaid period and on his appearance, the trial Court is directed to release the petitioner on interim bail subject to his furnishing bail bonds and surety bonds subject to its satisfaction.

It is made clear that in case, the petitioner does not

surrender within a period of one month from today or does not deposit the abovesaid amount, then the interim order granted in favour of the petitioner would be liable to be vacated.”

Thereafter, on 07.09.2022, following order was passed:-

“CRM-32877-2022

This is an application under Section 482 of the Cr.P.C. for extension of time for compliance of the order dated 05.08.2022.

Learned counsel for the applicant-petitioner has submitted that the applicant-petitioner has deposited an amount of Rs. 45,000/- as directed by this court on 05.08.2022 and states that due to non-renewal of passport and travelled documents, the petitioner has not been able to come to India and has prayed that time may be granted up-to 15.11.2022 to enable the petitioner to appear before the trial court.

Learned State counsel has opposed the present bail application for extension.

Keeping in view the facts and circumstances as given in the application and also the fact that the petitioner has deposited the amount of Rs. 45,000/- as directed by this court on 05.08.2022, the present application is allowed and the time granted to the petitioner to surrender before the trial court as per the order dated 05.08.2022 is extended till 15.11.2022.

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Adjourned to 23.11.2022.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner had appeared before the Court of Chief Judicial Magistrate, Hoshiarpur on 14.11.2022 and had also deposited an amount of Rs.45,000/- as directed by this Court and has also placed on record a photocopy of said order dated 14.11.2022 today in the Court which is taken on record and marked as Mark 'A'. It is further submitted that the petitioner

undertakes to appear before the trial Court on each and every date except the date when his personal appearance is specifically exempted by the Court.

On the other hand, learned State Counsel has opposed the present petition.

Keeping in view the abovesaid facts and circumstances more so the fact that in compliance of orders passed by this Court, the petitioner had appeared before the trial Court on 14.11.2022 and had been admitted on interim bail subject to his furnishing bail bonds/surety bonds and had also deposited the amount of Rs.45,000/- as directed by this Court, the present petition is allowed and the impugned order dated 13.10.2009 (Annexure P-1) is set aside and the interim order dated 05.08.2022, which has also been extended on 07.09.2022, is made absolute. The petitioner would appear before the trial Court on each and every date except the date when his personal appearance is specifically exempted by this Court.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No