

CRM-M-20181-2023 (O&M)

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

(117)

CRM-M-20181-2023 (O&M)

Date of Decision:- 28.07.2023

Manish Kumar and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Tejaswini, Advocate for the petitioners.

Mr. Arun Luthra, DAG, Punjab for the State-respondent.

SUVIR SEHGAL, J. (Oral)**CRM-29418-2023**

1. Noticing the prayer made in the application, it is allowed.
2. Date of hearing of the main petition is preponed from 16.10.2023 to today and it is ordered to be taken up on Board.

CRM-30931-2023

1. For the reasons given in the application, it is allowed.
2. Petitioner is permitted to implead the complainant as respondent No.2.
3. Amended Memo of Parties is taken on record.

Main case

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has sought setting aside of order dated 11.04.2023, Annexure P-4, passed by learned Additional Sessions Judge, SAS Nagar, whereby request for extension of time to surrender before the Investigating Officer/SHO has been declined.

2. Counsel for the petitioners submits that the petitioners have been named as an accused in FIR No. 34 dated 31.03.2022, registered for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, at Police Station Dhakoli, Annexure P-1. She submits that FIR was an outcome of a dispute between the parties over a sale agreement, which has been amicably settled by virtue of a compromise. To support her submissions, she has referred to affidavit dated 12.12.2022, Annexure P-2, executed by the complainant.
3. Issue notice to the newly impleaded respondent-complainant.
4. Mr. Rohit Kumar, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise and does not oppose the prayer made in the petition.
5. Having heard counsel for the parties and noticing the compromise between them, this Court is of the view that the petitioners deserve to be given an opportunity to surrender before the IO/SHO in compliance of order, Annexure P-3.
6. Accordingly, petition is disposed of. Order dated 11.04.2023, Annexure P-4, is set aside. Petitioners shall appear/surrender before the Investigating Officer/Arresting Officer within a period of two weeks from today. In case, the petitioners fail to surrender within the time granted by this Court, no further extension shall be granted.

28.07.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No