

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-45944-2022 (O&M)
Date of decision: 12.07.2023

OMKAR SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Bhandari, Advocate for the petitioners.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for setting aside the impugned orders dated 05.09.2022 (Annexure P-7) and 12.09.2022 (Annexure P-8) passed by learned Judicial Magistrate 1st Class, SAS Nagar, whereby the proclamation has been issued against the petitioners in case bearing FIR No. 39, dated 04.04.2020, under Sections 420, 406, 269, 188 IPC, registered at Police Station Phase-8, District SAS Nagar, Mohali.

Learned counsel for the petitioners submits that vide order dated 30.09.2022 passed by a Coordinate Bench, the petitioners were directed to appear before learned trial Court and that on their doing so, the petitioners would be released on bail subject to furnishing of bail/surety bonds and further subject to payment of an amount of Rs.15,000/- (Rs. 7,500/- each) as costs to be deposited with the Member Secretary, District Legal Services Authority, SAS Nagar, Mohali.

Learned counsel for the petitioners further submits that pursuant to the order dated 30.09.2022, the petitioners had appeared before the learned trial Court and also deposited the costs and now they are being regularly appearing before the learned trial Court.

As per the office report, the process fee has not been filed.

This Court is of the view that at this point of time, the service upon respondent No.2-complainant is not necessary.

Since pursuant to the order dated 30.09.2022, the petitioners had put appearance before the learned trial Court and now are being regularly appearing, without commenting on the merits of the case, the present petition is allowed and the order dated 30.09.2022 granting *ad interim* bail to the petitioners is made absolute, subject to the conditions envisaged in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

12.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No