

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-49306-2023
Date of Decision: 29.09.2023

SUKHVINDER SINGH @ SUKHWINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

VIVEK PURI J. (Oral)

1. The petitioner has assailed the order dated 08.11.2019 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Patiala vide which his bail has been cancelled, bail bonds and surety bonds have been forfeited to the State and has been ordered to be summoned through non-bailable warrants.
2. The learned counsel for the petitioner contends that the petitioner has been arraigned as accused in the case bearing FIR No. 88 dated 19.09.2013 registered under Sections 406, 498-A, 420, 494, 120-B of Indian Penal Code at Police Station Women Cell, District Patiala. The petitioner was granted pre-arrest bail by the Co-ordinate Bench of this Court vide order dated 28.09.2018 (Annexure P-2) passed in CRM-M-36627-2016. The petitioner had absented from the proceedings on 08.11.2019 and accordingly, impugned order has been passed. It has been submitted that due to some unavoidable reasons, the petitioner had to go abroad and consequently he could not put appearance in the trial Court. Now the matrimonial dispute has been amicably settled between the parties. A

petition bearing No. CRM-M-42710-2023 had been instituted for quashing of the FIR on the basis of compromise. In terms of the order dated 28.08.2023 (Annexure P-6) passed in the aforesaid petition, the operation of the order vide which the petitioner had been declared proclaimed person, has been stayed. The parents of the petitioner have been acquitted. The petitioner undertakes to surrender before the trial Court within a period of 10 days from today and move an appropriate application for bail. The learned counsel for the petitioner has restricted his prayer that meanwhile, petitioner may be protected.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab, who is present in the Court accepts notice on behalf of respondent No. 1-State and Mr. Iqbal Singh Saggu, Advocate has put in appearance on behalf of respondent No. 2, filed his power of attorney and accepts notice on her behalf.

5. The learned counsel for respondent No. 2 has not disputed the fact that a compromise has been effected between the parties.

6. In these set of circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court/Duty Magistrate/Illaq Magistrate concerned within a period of 10 days from today and shall move an application for regular bail. The arrest of the petitioner be not effected till the decision of the application for bail and for a period of 15 days thereafter, in the event, the bail application is dismissed. Furthermore, keeping in view the fact that the petitioner remained absent from the proceedings for a period of 04 years and had gone abroad, without getting the prior permission of the Court, the petitioner is burdened with a costs of Rs. 20,000/- to be paid with the District Legal

Service Authority, Patiala. The receipt with regard to deposit of the costs shall be submitted before the trial Court, at the time of surrender and moving the application for regular bail.

29.09.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No