

276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59189-2023
Date of decision: 19.12.2023

SULTAN SINGH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Majra, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sushil Bhardwaj, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

Present petition is filed under Section 438 of the Code of Criminal Procedure for the release for the petitioner on bail in the event of arrest his arrest in complaint case No.140 of 2016 dated 17.10.2016 whereby, the learned Judicial Magistrate Ist Class, Karnal has issued summon under Section 420 of Indian Penal Code and his pre-arrest bail was dismissed vide order dated 03.11.2023 by learned Sessions Judge, Karnal.

2. Mr. Sushil Bhardwaj, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney which is taken on record. Registry is directed to tag the same at the appropriate place.

3. On 23.11.2023, the following order was passed:

“This is a first petition filed by the petitioner under Section 438 Cr.P.C. for releasing petitioner on bail in the event of his arrest in a complaint case No.140 of 2016 dated 17.10.2016 whereby he has been summoned by the learned Judicial Magistrate 1st Class, Karnal.

Counsel for the petitioner submits that the petitioner has been summoned by the Trial Court under Section 420 IPC instituted by respondent No.2. By referring to Annexure P-3, he submits that the dispute is civil in nature and suit for possession by way of specific performance of agreement is pending inter se parties. Counsel submits that the petitioner is ready to appear before the trial court and join the proceedings.

Notice of motion.

On asking of the Court, Mr.Munish Sharma, DAG, Haryana accepts notice on behalf of the respondent-State.

Let the petitioner appear before the trial court within fortnight from today and if he does so, the trial court shall release him on bail on furnishing bail/surety/ bonds to its satisfaction.

Adjourned to 19.12.2023.”

4. Learned counsel for the petitioner submits that in compliance of the afore-mentioned order, the petitioner has appeared before the learned trial Court and he undertakes to appear on each and every date of hearing before the trial Court.
5. In view of the above, no further order is required to be passed in the present petition and the same stands disposed of and the interim bail granted to the petitioner vide order dated 23.11.2023, is hereby made absolute subject to the conditions enshrined under Section 438(2) of Cr.P.C.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

December 19, 2023
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |