

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

**CRM-M-31528-2023 (O&M)
Date of decision :16.04.2024**

Anita @ Anita Sharma and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Mahajan, Advocate for the petitioners.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioners in FIR No.127 dated 24.10.2017, under Section 420 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sujampur, District Pathankot.

(2) In the main petition, Coordinate Bench, on 23.11.2023, passed the following order:-

“Learned counsel for the petitioners submitted that in view of the undertaking given on behalf of the petitioners on 04.07.2023, stating that they will surrender before the Court within a period of 3 weeks, this Court had directed that till the next date of hearing, the operation of the impugned order by which non-bailable warrants were issued shall remain stayed. He further submitted that within a period of three weeks, the

petitioners filed an application before the trial Court vide Annexure P-5 that they are ready and willing to surrender themselves and their presence may be marked and they may be permitted to join the proceedings, but the learned CJM, Pathankot, instead of permitting them to surrender and join the proceedings passed an order vide Annexure P-6 on 18.07.2023 that prior to the passing of the order of this Court, they were declared as proclaimed absconder and the petitioners were not permitted to surrender and to join the proceedings before the trial Court despite the orders passed by this Court. He also submitted that the mere fact that a few days before the passing of the order of this Court, they were declared as proclaimed absconder, would not mean that they have lost their right to surrender before the Court and especially when there were directions issued by this Court that the non-bailable warrants be stayed and the petitioners themselves were ready to surrender and to join the proceedings.

In view of the above, let a report be called from the learned District & Sessions Judge, Pathankot after seeking comments from the concerned Judicial Officer, who had passed the aforesaid order dated 18.07.2023.

Adjourned to 08.12.2023.

In the meantime, no coercive steps shall be taken against the petitioner.”

(3) Thereafter, on 08.02.2024, aforesaid order was modified by this Court and granted interim bail to petitioners in the following manner:-

“Contends that the matter has been amicably settled between the parties, i.e. petitioners as well as the complainant, at their own level.

In view of the above, order dated 23.11.2023 is modified to the extent that petitioners shall surrender before learned trial Court within 07 days from today. Upon doing so, they be released on interim bail in the present case till the next date of

hearing on furnishing bail and surety bonds to the satisfaction of learned Court concerned.

Posted for 09.04.2024.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioners have already joined the proceedings before learned trial Court and they shall fully cooperate in future.
- (4) Learned State Counsel, on instructions from ASI Munish Kumar, acknowledged that petitioners have joined the proceedings and as on today, their custody is not required.
- (5) In view of above, interim order dated 08.02.2024 is made absolute as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.
- (6) It is made clear that the petitioners shall fully co-operate with the learned trial Court and shall not seek unnecessary adjournments.
- (7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (8) Pending application(s), if any, shall also stand disposed off.

16th April, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>