

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Criminal Misc. Application No. 890 of 2013**

Satkartar Singh.

.....Petitioner.

Versus

State of Uttarakhand  
and another.

.....Respondents.

Present:

Mr. Harshpal Sekhon, Advocate for the petitioner.

Mr. K.S. Rautela, AGA for the State.

**Hon'ble Alok Singh, J (Oral).**

Learned counsel for the petitioner submits that petitioner shall appear / surrender before the Chief Judicial Magistrate, Udham Singh Nagar in compliance of cognizance order, on or before 12.09.2013 and shall move an application seeking regular bail before Sessions Judge, Udham Singh Nagar on or before 20.09.2013. He further submits that stay against the arrest of the petitioner was granted by this Court vide order dated 19.07.2012 passed in WPCRL No. 635 of 2012; therefore, petitioner was not arrested during investigation and he never misused his stay of arrest.

He further contends that in view of the judgment passed by this Court in WPCRL No. 758 of 2013 (Hari Gupta Vs. State of Uttarakhand) decided on 26.06.2013, petitioner should not be arrested and sent to judicial custody.

Learned counsel for the petitioner seeks permission to withdraw this petition with liberty to raise all the legal and factual points before the trial court, at appropriate stage, seeking discharge.

Permitted to be withdrawn with aforesaid liberty.

Petitioner shall appear / surrender before Chief Judicial Magistrate, on or before 12.09.2013, in compliance of summoning order, as stated by learned counsel for the petitioner. Learned Magistrate shall enlarge the petitioner on interim bail on furnishing his personal bond for the period till regular bail application is decided by the Sessions Judge. It is further clarified that if after appearing / surrendering before the Magistrate, regular bail application is not moved by the petitioner before Sessions Judge till 20.09.2013, then interim bail granted by the Magistrate shall stand cancelled automatically in the afternoon of 20.09.2013. It is further made clear that if petitioner fail to appear / surrender before the Magistrate till 12.09.2013, then learned Magistrate shall be at liberty to proceed against the petitioner in accordance with law.

Let copy of this order be forwarded to the Sessions Judge, Udham Singh Nagar and Chief Judicial Magistrate concerned immediately for information.

**(Alok Singh, J.)**  
31.08.2013