

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

**CRM-M-19083 of 2015
Date of Decision: 5.6.2015**

Baljit @ Kaka

..... Petitioner

Versus

State of Punjab & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.H.S.Bedi, Advocate,
for the petitioner.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

RAJIV NARAIN RAINA, J.(Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing order dated 31.1.2015 whereby the bonds of the petitioner were cancelled and forfeited and non-bailable warrants of arrest were issued to him by another order dated 26.5.2015 [P-5]. Order dated 26.5.2015 was passed on a request made by the petitioner for cancellation of the bail bonds on the ground that final report under Section 173 Cr.P.C. has not been submitted before the learned trial Court by the police with respect to FIR No.21 dated 10.3.2014 under Sections 363, 366 (A) registered at PS Mukerian, District Hoshiarpur by the father of the wife of the petitioner. It is obvious that on 31.1.2015, the petitioner did not appear and the bail

bonds stood cancelled. The request for recall was made thereafter but the trial Court has dismissed the application for the reason that in criminal matters, review of orders is not possible and even when the decision of the Supreme Court in **Free Legal Aid Committee, Jamshedpur v. State of Bihar**; 1982 (3) SCC 378 was cited in support of the petitioner's case that when the accused is released on bail, he is not required to appear before the trial Court until the charge sheet is framed and the process is issued by the Court.

Learned counsel relies on the judgment since this Court have not fetters on the review of orders passed by the courts below. There can be no doubt that the law laid down by the Supreme Court in the aforesaid case is binding precedent which has to be followed by this Court.

For the foregoing reasons, this petition is allowed and orders dated 31.1.2015 and the consequential order dated 26.5.2015 are set aside. The petitioner would be admitted to bail by the Sub Divisional Judicial Magistrate, Mukerian to await framing of charge sheet, if any, on furnishing of fresh bail bonds on the next date of hearing.

June 5, 2015

Paritosh Kumar

(RAJIV NARAIN RAINA)

JUDGE