

CRM-M-8128-2015

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

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Date of Decision: 20.03.2015

Navpreet Singh and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. R.K.Arya, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

The instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.87 dated 23.09.2011, registered at Police Station Sekhwan, District Gurdaspur, under Sections 324, 323, 452 and 379 of the Indian Penal Code.

I have heard learned counsel for the petitioners and perused the record.

Earlier, the petitioners had been appearing in the Court, however, could not appear in Court on 07.01.2015 and their bail was cancelled. Feeling aggrieved, the petitioners approached the Additional Sessions Judge (A), Gurdaspur, who passed the following order on 05.02.2015:

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“2. Heard. It is contended by the ld. counsel for the applicants/accused that the above noted case titled State vs. Gola alias Polus Masih etc, is pending in the court of Sh. Harpreet Singh, JMIC, Batala and is fixed for 16.2.2005. In the said case, the last date of hearing was 7.1.2015 for appearance of the applicants/accused. The applicants/accused are brother to each other and applicant/accused Navpreet Singh suddenly feeling pain chest when they were coming to the court. Applicant/accused Navpreet Singh suffering from chest pain from the last day but when the applicant came to appear to this Hon'ble court, the pain was started hardly. So, applicant/accused Kawalpreet Singh took his brother to Kaler Hospital, Kahnuwan Road, Gurdaspur. The applicants/accused could not attend the court due to his reason. The absence of the applicants/accused on 7.1.2015 was not intentional but due to the above said reasons. The applicants/accused are ready to join proceedings of the case. The applicants/accused will abide by all the terms and conditions which this Hon'ble Court impose. Such plea can be taken by the applicant/accused before the learned trial Court. It is, thus ordered that applicants/accused Navpreet Singh and Kawalpreet Singh shall surrender before the learned trial court within 8 working days and on their so surrendering, if they move an application for bail along with their supporting documents regarding their claim, as averred above, the bail application shall be decided by the learned trial Court on the same day, provided the applicants/accused put their appearance before the learned trial Court on any working day prior to 01:00 P.M. Bail application stands disposed

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of. Papers of bail application be consigned to the record-room”.

In pursuance of the order dated 05.02.2015, the petitioners had to surrender before the trial Court within eight working days and also had to move application for bail along with relevant documents regarding their claim, as averred in the application before the Additional Sessions Judge, Gurdaspur. However, the petitioners did not comply with the order dated 05.02.2015 till 04.03.2015. In view of above, this Court is of the opinion that the petitioners should surrender/appear before the trial Court and move application for bail along with relevant documents regarding their claim and on doing so, the trial Court would decide the application on the same date. However, learned counsel for the petitioners states that directions issued by the Additional Sessions Judge are not binding upon the petitioners. Be that as it may, it is the choice of the petitioners to appear or not to appear, otherwise law will take its own recourse. This Court has already observed that the petitioners should surrender before the trial Court and move application for bail which would be decided on the same day, but in view of the contention of learned counsel for the petitioners, now at this stage, it is observed in supersession of earlier observation that the trial Court should proceed with the matter according to its own docket in accordance with law.

Disposed of in the aforementioned terms.

20.03.2015

parveen kumar

**[Paramjeet Singh]
Judge**