

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

Criminal Misc.No.M-37547 of 2016(O&M)

Date of Decision : 08th November, 2016

Sagar

..... Petitioner

Versus

UT, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Ms. Amanpreet Kaur Sabharwal, Advocate
for Mr. Deepinder Brar, APP
for the respondent-UT, Chandigarh.

AJAY TEWARI, J. (Oral)

Petitioner has preferred the instant petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.247 dated 06.09.2016, registered under Sections 381, 411 IPC at Police Station Sector 31, Chandigarh.

On 27.10.2016, the following order was passed:-

“In compliance of order dated 21.10.2016, report of Sh. Atul Kasana, Addl. Sessions Judge, Chandigarh has been received.

In the report, it is stated that the order dated 22.09.2016 was uploaded on the CIS but inadvertently the same was not sent to the copying agency.

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However, learned counsel for the petitioner has pointed out that the instant petition was filed on 16.10.2016 and at least till date, the order was not uploaded.

Let Atul Kasana, Addl. Sessions Judge, Chandigarh explain with the record on what date exactly the order was uploaded on the CIS.

Adjourned to 08.11.2016.”

In compliance of said order, explanation of the learned Addl. District & Sessions Judge, Chandigarh has been received.

As per this explanation, the bail application was declined on 22.09.2016 but the order was uploaded only on 20.10.2016. This is a very serious matter. The earlier explanation given by the Officer is, to say the least evasive, because in that he had mentioned as follows:-

“It is humbly submitted that the bail application of the applicant Sagar was declined by the undersigned on 22.09.2016 and the said order was also uploaded thereafter on the CIS system.”

The Registry is directed to forward the copies of the orders of this Court dated 21.10.2016, 27.10.2016 and today's order dated 08.11.2016 alongwith the explanations dated 26.10.2016 and 05.11.2016 to the Inspecting Judge, Chandigarh for whatever action which his Lordship may deem fit in the case.

After arguing for some time, the learned counsel for the petitioner does not press the instant petition but liberty may be granted to the petitioner to surrender before the Competent Court and move an application for grant of regular bail and a direction may be issued to the Court to decide the said application expeditiously.

Accordingly, the instant petition stands dismissed as not

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pressed. In case, the petitioner surrenders before the Competent Court on or before 15.11.2016 and moves an application for grant of regular bail, the same shall be decided expeditiously by the learned trial Court but in any case on or before 18.11.2016.

08th November, 2016

mamta

**(AJAY TEWARI)
JUDGE**

Whether speaking

Yes/No

Whether Reportable

Yes/No