

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-40477 of 2016
Date of decision : December 19, 2016

Gurpreet Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.Amandeep Sibia, Advocate, for the petitioner
Mr. Jasjeet Dhaliwal, DAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gurpreet Singh in this second regular bail application under section 439 Cr.P.C. are that in case bearing FIR No. 51 dated 17.5.2015, under sections 307,452,382,323, 324, 427, 148, 149 IPC and sections 25/27 of the Arms Act, 1959, this Court vide order dated 23.9.2015 has allowed regular bail to the petitioner including his co-accused Modan Singh, Chamkaur Singh, Baldev Singh son of Mehar Singh, Malkeet Singh son of Hamir Singh, Naib and Gurpreet Singh and on the basis of which he was released on bail by the trial court and subsequently on 2.9.2016, the petitioner had absented and application on his behalf seeking his personal exemption from appearance was moved before the learned trial court on the same very day. However, the same was

declined. The learned trial court has passed the following orders:-

“Accused Gurpreet Singh not came present but his counsel filed application for exemption of his personal appearance. Keeping in view the contents of the application, no justification is made for exemption of his personal application and the same is declined. He be summoned through non-bailable warrants alongwith notice to his surety for 20.09.2016 as his bail orders, bail bonds and surety bonds cancelled and forfeited to State. To come up also on the date fixed for consideration on charge.”

Vide aforesaid order, not only the bail bonds, surety bonds were cancelled but even the bail orders of this Court were ordered to be cancelled. Apparently, the learned Additional Sessions Judge totally in oblivion to the provisions of law, judicial decorum and discipline has gone about his task. More-so misguided and under misbelieve taking it to be a personal aggression of his dictates to be present in the Court and rather than taking a sympathetic approach on the application moved before the trial court, it has cancelled the bail which are in itself suggestive that the Officer has transgressed the limits of the law and displeasure of this Court be conveyed to him through learned District & Sessions Judge, Mansa.

The contentions of the counsel for the petitioner that the petitioner is in custody since 20.9.2016 as he has surrendered on his own and that the trial is not likely to conclude in near future are not disputed by the learned State counsel.

Keeping in view that the trial is not likely to be concluded in near future and in view of the earlier bail granted by this Court and there being genuine and bonafide grounds for exemption from appearance, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

The present petition stands disposed off accordingly.

December 19, 2016
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No