

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-8397 of 2017
Date of decision:14.3.2017

Tarsem Masih @ Sema

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Dhawaljeet Dutta, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that though the petitioner had been admitted to bail earlier by the trial Court, thereafter, upon absenting himself before that Court, non-bailable warrants for his arrest were ordered to be issued. Allegedly, the petitioners' counsel had noted down the wrong date of hearing, i.e. instead of 9.11.2016, he had noted down the date as 9.12.2016.

Thereafter, the petitioner filed a bail application under Section 438 Cr.P.C., which came up for hearing before the learned Additional Sessions Judge, Gurdaspur, on 9.1.2017, which was dismissed but while doing so, it had been directed that if the petitioner surrenders himself before the trial Court within 10 days, along with supporting documents regarding a wrong date of hearing having been noted, the trial Court would decide the bail application on the same day.

Obviously, the petitioner has not approached the learned trial

Court for the past more than 2 months thereafter.

Learned counsel submits that the certified copy of the order dated 9.1.2017 was actually made available to the petitioner only on 21.1.2017. Even if that is so, the petitioner has now approached this Court after about 2 weeks of the certified copy of the order dated 9.1.2017 having been made available to him. The reason given is that the petitioner being a poor person could not arrange funds to approach this Court. The said explanation is actually untenable, however, looking at the nature of the offence in which the petitioner is sought to be arrested, the order of the learned Additional Sessions Judge, Gurdaspur, dated 9.1.2017, is deemed to have been extended, to the extent that upon the petitioner appearing before the learned trial Court within one week from today, if he is able to provide documents in support of his contention, i.e. noting of a wrong date by his counsel, and the learned trial Court is satisfied with regard to the same, it would admit him to bail within one day thereafter. However, if the explanation given by the petitioner is found to be false, the learned trial Court would decide the application wholly on its own merits.

The petition is disposed of.

14.3.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No