

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

CRM-M-8830-2019
Date of Decision:-27.02.2019

Angrej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court for grant of anticipatory bail in respect of FIR No.174 dated 2.10.2018 under Sections 307, 308/34 of the Indian Penal Code, Police Station City Sri Muktsar Sahib.
2. The petitioner had initially applied to the Court of Sessions, Sri Muktsar Sahib seeking anticipatory bail which has been dismissed by the learned Additional Sessions Judge. However a perusal of the impugned order dated 19.12.2018 shows that the learned Court seems to have been proceeded on the premises that it was dealing with the regular bail application under Section 439 Cr.P.C. Not only

in the head-note as mentioned in the order dated 19.12.218 as well as in the first paragraph of the impugned order it is being referred to as a 'regular bail application' but in the concluding paragraph, the learned Additional Sessions Judge has dismissed the application while observing that there is no case for grant of regular bail to the applicant.

3. The matter is remanded to the Court concerned to decide the matter afresh. The Presiding Officer concerned is directed to be more careful in future so that such lapse does not occur again.
4. The Additional Sessions Judge, Sri Muktsar Sahib is directed to decide the matter afresh at the earliest preferably within three days from the date when this order is brought to its notice.
5. A copy of this order be furnished to the learned counsel for the petitioner under the signatures of Court Secretary of this Bench.

27.02.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No