

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

CRM-M-14055-2020

Date of decision:-4.6.2020

Vijay Kumar Mahajan @ Vijay Mahajan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Abhimanyu Singh, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

Mr.Raghav Gulati, Advocate
for respondent No.2.

H.S. MADAAN, J.

Case taken up through video conferencing.

By way of filing the present petition under Section 482 Cr.P.C., petitioner - Vijay Kumar Mahajan @ Vijay Mahajan prays for setting aside of the impugned order dated 26.5.2020 passed in CRR No.212/2020 titled as 'Sonika Mahajan alias Palak Versus Vijay Kumar Mahajan @ Vijay Mahajan and another' by the Court of Additional Sessions Judge, Ludhiana thereby setting aside order dated 30.4.2020 passed by the Court of Judicial Magistrate Ist Class, Ludhiana (Duty), allowing application under Section 437(6) Cr.P.C.

Briefly stated, the facts of the case are that petitioner being

an accused in FIR No.30 dated 24.2.2016 for the offences under Sections 420, 494, 467, 468, 471 and 120-B IPC, registered with Police Station Division No.4, District Ludhiana, who had been arrested on 29.7.2019 had moved an application for bail under Section 437(6) Cr.P.C. That application was accepted by JMIC, Ludhiana (Duty) vide order dated 30.4.2020, observing that challan in the case had been presented in the Court on 23.9.2019, charge was framed on 3.12.2019 and despite availing of several opportunities, the prosecution had failed to conclude its evidence. Therefore, the petitioner was entitled to bail under Section 437(6) Cr.P.C. That order was challenged before the Court of Sessions by way of filing of a revision petition, which was assigned to Additional Sessions Judge, Ludhiana. That revision petition was accepted by learned Additional Sessions Judge, Ludhiana vide a detailed and well reasoned order dated 26.5.2020 and the order of the Magistrate was set aside. While doing so, learned Additional Sessions Judge, Ludhiana has noticed that the petitioner is a habitual offender having a number of criminal cases registered against him; he was declared as proclaimed offender in the case in question also; the application filed by petitioner before learned Magistrate, Court of Sessions and in the High Court had been dismissed; he himself had sought adjournment for cross-examination of prosecution witnesses; he was accused of committing serious offences of bigamy and forging of various documents using them as genuine. Therefore, he was not entitled to concession under Section 437(6) Cr.P.C.

The petitioner seeks setting aside of this order by this Court while exercising jurisdiction under Section 482 Cr.P.C.

After hearing learned counsel for the parties, I do not find any reason to use the inherent powers under this provision because the impugned order does not appear to be suffering from any illegality or infirmity and does not amount to abuse of process of law. Even otherwise, the ends of justice demand that such type of order should be upheld, rather than setting it aside.

Thus, the petition being without merit stands dismissed accordingly.

4.6.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No