

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33859-2020 (O&M)
Date of Decision:- 27.10.2020

Harish Chandra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 24.9.2020 (Annexure P-4) insofar as the same pertains to dismissing of his application dated 3.9.2020 (Annexure P-3) whereby issuance of directions for conducting DNA test of the petitioner as well as of the child born to the prosecutrix.
2. Learned counsel for the petitioner has submitted that vide impugned order dated 24.9.2020, the trial Court had disposed of application filed by the petitioner for grant of anticipatory bail and the application dated 3.9.2020 (Annexure P-3).

3. Learned counsel has submitted that in fact in the impugned order no discussion whatsoever has been made as regards the application dated 3.9.2020 and while disposing of the anticipatory bail application, one line has been written at the bottom of the said order that other miscellaneous application shall also stands disposed of accordingly.
4. Notice of motion.
5. On the asking of Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of respondent-State.
6. I have considered the submissions made on behalf of the petitioner and have heard the learned State counsel. A perusal of the impugned order dated 24.9.2020 would show that while a detailed discussion have been made therein while considering the application for grant of anticipatory bail, but there is hardly any discussion pertaining to application dated 3.9.2020 (Annexure P-3) wherein a prayer has been made by the petitioner for conducting DNA test of the petitioner as well as of the minor child of the prosecutrix. The concluding portion of the impugned order reads as follows:

“9. Moreover, accused/applicant kept on playing hide and seek with law, and is still at large. Thus, he is required for the purpose of custodial interrogation. Moreover, the avert act attributed to applicant/accused does not warrant concession of pre-arrest bail. If concession of pre-arrest bail has been granted, then it certainly will hamper police investigation. Accordingly, bail application filed

by Harish Chandra (applicant/accused) stands dismissed. Misc. application, if any stands disposed of accordingly.

10. However, this order shall have no effect on the merits of the case. Papers be attached with main file.”

7. Since no effective discussion as regards the application dated 3.9.2020 (Annexure P-3) has been made in the application, therefore, the said order dated 24.9.2020 (Annexure P-4) insofar as the same pertains to dismissal of the application dated 3.9.2020 (Annexure P-3) is set aside. The application is remanded back to the trial Court with a direction to decide the matter afresh by passing a speaking order.

8. The petition stands disposed of accordingly.

October 27, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No