

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

CRM-M-8725-2021 (O&M)

Date of Decision: November 02, 2021

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

This petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.208 dated 17.09.2020, registered under Sections 420, 465, 468, 471 of Indian Penal Code, Section 5 of Hindu Marriage Act and Sections 9 and 12 of the Prohibition of Child Marriage Act, 2006 (Sections 363, 366-A of IPC and Sections 6, 7 of Prohibition of Child Marriage Act added later on) at Police Station Guru Har Sahai, District Ferozepur, had been filed by the petitioner on 19.02.2021, after his application in this regard had been dismissed by the Addl. Sessions Judge, Ferozepur on 19.11.2020.

When the petition came up for hearing on 24.08.2021, counsel for the petitioner sought the petition to be dismissed as withdrawn stating

that the petitioner has been released on regular bail by the court below. This court failed to understand as to how the petitioner was availing two similar remedies at the same time by filing same petition before two different courts and whether due information of the proceedings pending before this Court had been given in the petition before the court below. A report was thus called in that regard.

In view of the request made by counsel for the petitioner, the instant petition is dismissed as withdrawn.

As per the report submitted by the Judicial Magistrate posted at Guru Har Sahai, District Ferozepur, two applications for regular bail had been filed by accused Gurcharan Singh before the trial court after his regular bail application had been dismissed by the Addl. Sessions Judge, Ferozepur on 19.11.2020. First regular bail application had been filed on 18.05.2021 which had been dismissed as withdrawn on 24.05.2021 whereas, the second one filed on 03.06.2021 was dismissed on 08.06.2021.

Two similar reports have been sent by two different Judicial Magistrate posted at Guru Har Sahai. However, in both the reports, there is neither any mention of the order granting regular bail to the petitioner or the contents of the application for bail that was ultimately allowed. The District and Sessions Judge, Ferozepur has simply forwarded both the aforesaid reports acting as post office without ensuring whether the reports sent were in compliance of the order dated 24.08.2021.

Let a fresh report be called from the District and Sessions Judge, Ferozepur containing the details as to whether there was a mention of the fact in the bail application that was allowed that an application for

similar relief was already pending before this Court.

Put up on 01.12.2021 for awaiting the report.

November 02, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No