

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

CRM-M-29821-2021

Date of decision:-30.7.2021

Satinderjit Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.R.S. Sidhu, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

Mr.M.S. Sachdev, Advocate
for the complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner Satinderjit Singh @ Mintu, aged about 40 years son of Amrik Singh, resident of WB-201, Ali Mohalla Jalandhar at present 1132 Guru Arjun Dev Nagar, Vaashman, Ludhiana – an accused in FIR No.21 dated 22.1.1987, under Sections 302, 34 IPC, Section 25 of Arms Act and Sections 3 and 4 of the Terrorist & Disruptive Activities (Prevention) Act, 1987 (hereinafter referred to as as the Act), registered with Police Station Division No.6, Jalandhar, now confined in Maximum Security Jail, Nabha has approached this Court for grant of interim bail from 22.7.2021 to 10.8.2021 for performing last rites of his wife, who had expired on 17.7.2021.

Notice of motion.

Mr.J.S. Ghuman, DAG, Punjab, accepts notice on behalf of respondent – State and Sh.M.S. Sachdev, Advocate has put in appearance on behalf of the complainant.

Sh.M.S. Sachdev, Advocate appearing on behalf of the complainant has brought to the notice of the Court that accused remained proclaimed offender for 20 years, in that way trial against him was delayed. Even otherwise, in view of the law laid down by the Hon'ble Apex Court in case **Usmanbhai Dawoodbhai Memon Versus State of Gujarat, 1988(1) RCR(Criminal) 540**, a petition for regular bail under the Act is to be filed in Hon'ble Supreme Court and the High Court has no jurisdiction to entertain such petition.

Learned State counsel has placed on record the custody certificate of the petitioner showing that the petitioner is involved in four more criminal cases. He has submitted that firstly, the petition is not maintainable and secondly there is reasonable apprehension of petitioner absconding, if granted interim bail.

Learned counsel for the petitioner has though stated that since sanction for prosecution of petitioner has not been received, no case under the Act is made out and on humanitarian ground also the petition should be accepted. He has referred to judgments **Union of India Versus K.A. Najeer** passed in CrI. Appeal No.98 of 2021 arising out of Special Leave Petition (CrI.) No.11616 of 2019 and **Ebha Arjun Jadeja & Ors. Versus The State of Gujarat** passed in Criminal Appeal No.1692 of 2009 by the Hon'ble Apex Court.

However, I find that in terms of the observations made in

Usmanbhai Dawoodbhai Memon Versus State of Gujarat case (supra), the petition before this Court is not maintainable. The petitioner is facing trial in a case under Sections 302, 34 IPC, Section 25 of Arms Act and Sections 3 and 4 of the Act. The allegations against him are quite serious. As mentioned in the order dated 20.7.2021 passed by learned Additional Sessions Judge, Jalandhar, copy of which is available on the record, on account of the petitioner/accused having remained proclaimed offender for 20 years, the proceedings in the trial Court have got delayed. Learned Additional Sessions Judge, Jalandhar had declined the request for interim bail on account of security reasons as well as considering gravity of the offences. The judgments referred to by learned counsel for the petitioner do not help him since those do not find application to the present case due to different facts and circumstances and the context, in which such observations had been made.

Therefore, the petition stands dismissed.

However, the petitioner may approach learned Additional Sessions Judge, Jalandhar for being sent to the venue of the Bhog ceremony stated to be fixed for 1.8.2021 in custody and learned Additional Sessions Judge, Jalandhar may consider and dispose of the request in accordance with law.

30.7.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No