

104-A

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

CRM-M-24618-2022

Date of decision : 01.06.2022

Rajnikant

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sudesh K. Khurcha, Advocate for the petitioner.

Mr. Akashdeep Singh, Addl. PP UT Chandigarh.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.74 dated 18.04.2022 registered under Sections 147, 148, 149, 323, 307, 452, 506 of the Indian Penal Code, 1860 at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner has submitted that there was some communication gap, on account of which, the petitioner could not appear before the Court below and the Additional Sessions Judge, Chandigarh has, vide its order dated 24.05.2022, dismissed the anticipatory bail application of the petitioner, without considering the merits of the case.

Learned counsel for the petitioner has further submitted that

the petitioner undertakes to appear before the Additional Sessions Judge, Chandigarh, within a period of one week from today and thus, prays that his anticipatory bail application be considered by the Additional Sessions Judge, Chandigarh on merits.

Notice of motion.

On advance notice, Mr. Akashdeep Singh, Addl. PP UT Chandigarh, appears and accepts notice on behalf of the UT Chandigarh and has submitted that he is fully prepared to argue the matter and assist this Court. He has submitted that on 23.05.2022, counsel appearing for the petitioner before the Court below had made a statement that she would produce the petitioner on the next date of hearing i.e. on 24.05.2022 but thereafter, in spite of statement made, she had not produced the petitioner in the Court and thus, order dated 24.05.2022 declining anticipatory bail to the petitioner has rightly been passed.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is the case of the petitioner that there was some communication gap, on account of which, the petitioner could not be produced before the Court below and the petitioner also undertakes to appear before the Additional Sessions Judge, Chandigarh within a period of one week from today and has prayed that the case be decided on merits.

In view of the stand taken by the learned counsel for the petitioner, the order dated 24.05.2022 (Annexure P-3) is set aside and the

petitioner is directed to appear before the Additional Sessions Judge, Chandigarh alongwith his counsel within a period of one week from today and on doing so, the Additional Sessions Judge, Chandigarh is directed to decide the application of the petitioner for grant of anticipatory bail afresh after considering the merits of the case.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

01.06.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**