

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

107+206

CRM-M-28677-2020(O&M)

Date of Decision: 22.03.2022

Gagandeep Sehgal @ Gaggu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Deepanshu Mehta, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.065 dated 09.05.2020, under Section 379-B(2) IPC and Sections 25 and 27 of Arms Act (Section 411 IPC and Section 54 and 59 Arms Act, 1959 added later on), registered at Police Station Basti Jodhewal, District Ludhiana.

On December 15, 2020 the Court was informed by the State Counsel that the petitioner had been granted regular bail by the Additional Sessions Judge, Ludhiana vide order dated 11.11.2020. As the said order had been passed during the pendency of the present bail application a report was sought from the District and Sessions Judge, Ludhiana as to whether the trial judge had been apprised of the pendency of the present petition.

A report dated 15.12.2020 of the District and Sessions Judge, Ludhiana was received as per which, in the application filed by

the petitioner before the trial Court he had not disclosed about the pendency of the bail petition before this Court. Rather an affidavit of the petitioner's wife was appended alongwith the application stating that it was the first bail application of the petitioner. In view thereof, vide order dated 23.12.2020, notice was directed to be issued to the petitioner as to why the bail granted to him by the trial Court through order dated 11.11.2020 be not cancelled. As the Counsel for the petitioner pleaded 'no instructions' the petitioner's presence was directed to be secured through non-bailable warrants. The petitioner was thereafter produced before this Court on 14.03.2022 and he was directed to be continued to be detained at Central Jail, Ludhiana.

A reply on behalf of the petitioner has been filed. It is stated that the present petition for bail first came up for hearing on 23.09.2020 and it was adjourned to 15.12.2020. The father of the petitioner was pursuing the bail application of the petitioner before the Additional Sessions Judge, Ludhiana. On the dismissal of the bail application of the petitioner by the Ld. Additional Sessions Judge on 02.09.2020, the father of the petitioner went into depression. He has since gone missing and his whereabouts are still not known. Meanwhile, the wife of the petitioner-Deepika Rani engaged counsel for filing the bail application before the Ld. Additional Sessions Judge, Ludhiana. The said bail application was allowed vide order dated 11.11.2020 by the Ld. Additional Sessions Judge, Ludhiana. Soon after the release of the petitioner his wife left him and went back

to her matrimonial home. The petitioner was not in contact with the counsel engaged before the Sessions Court as also before this Court. Hence, the fact of the pendency of the present petition could not be disclosed in the application filed before the learned Sessions Judge. He states that the lapse is unintentional. He tenders an unconditional apology for the lapse. He prays that the present petition may be dismissed as withdrawn.

Though the explanation tendered by the petitioner does not appear to be very convincing, but taking into account the unconditional apology tendered by him it is deemed proper to close the matter. Accordingly, the present petition is dismissed as withdrawn.

The petitioner is presently in custody. It is directed that he be released on bail as per the order dated 11.11.2020 passed by the trial Court on accepting fresh bail/surety bonds.

[HARINDER SINGH SIDHU]
JUDGE

March 22, 2022
rashmi

Whether speaking/reasoned	yes
Whether reportable?	yes/no