

CRM-M-24976 of 2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24976 of 2023

Date of decision : May 19, 2023

GAGGU @ LABHDEEP SINGH @ LOVEDEEP SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Aulakh, Advocate, for the petitioner
Mr. Shubham Kaushik, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. The petitioner has sought anticipatory bail in case FIR No. 0056 dated 01.04.2022, Under Sections 452, 324, 323, 148, 149 IPC and later on added Sections 458 and 120-B IPC, while deleting Section 452 IPC vide DDR No. 0035 dated 29.4.2022, Police Station Kotbhai, District Sri Muktsar Sahib. The order dated 26.5.2022 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, reveals that the petitioner was granted interim anticipatory bail and he was directed to join the investigation and further to cooperate with the investigation. The subsequent order passed by the learned Sessions Judge (Duty) on 2.6.2022 reveals that the applicant-petitioner was not represented by his counsel. On the other hand, the Investigating Officer who was present along with the Public

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Prosecutor submitted that though the petitioner joined the investigation, however, he did not cooperate in the investigation. The learned Sessions Judge, instead of deciding the application on merits, dismissed the bail application in default, because of non appearance of counsel for the petitioner. The subsequent orders and the material placed on record before this Court reveals that the petitioner has not made any effort to approach the learned court below for restoration of his bail application, inviting decision on merits. Therefore, at this stage, there is no necessity to adjudicate upon the present bail petition.

2. Therefore, the present petition stands disposed of.

3. However, the liberty is granted to the petitioner to approach the learned trial court for revival of his bail application. Upon doing so, the learned court below is directed to decide the bail application on merits.

May 19, 2023

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**(KULDEEP TIWARI)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>