

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-27666-2023

Date of decision: 01.06.2023

HARJIT KAUR

...PETITIONER(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gursharan Singh, Advocate
for the petitioners.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition is for grant of anticipatory bail in case FIR No.85, dated 30.08.2022 under Section 420, 406, 468, 471 of IPC, registered at Police Station Ghanie ke Bangar, District Gurdaspur (Annexure P-1).

Learned counsel for the petitioner submits that application for bail was filed before the Court of Id. Sessions Judge, Gurdaspur and the same was dismissed in default vide order dated 15.12.2022. The said order is reproduced below for reference:-

“None has appeared on behalf of the applicant-accused despite repeated calls since morning. Therefore, this application stands dismissed in default. File be consigned to the Record Room.”

The application of the petitioner was dismissed in default and is not decided on merit. Learned counsel for the petitioner submits that the learned trial Court could not review its own order. He has relied on case of **“Yaqoob Husain and others versus State and others”** decided on 16.12.2020 passed by Allahabad High Court. Since application for anticipatory bail was dismissed for non appearance and party should not suffer due to such type of default on the part of

counsel. So the order dated 15.12.2022 is hereby set aside. The learned trial Court

is directed to decide the application in CS No. BA-3931-2022 of the petitioner within 7 days from the date of receipt of order.

Petition stands disposed of.

(GURBIR SINGH)
JUDGE

01.06.2023
Kusum

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No