

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-4321-2016

Date of Decision: April 26, 2023

Bhupinder Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.P.S Duggal, Advocate
for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

Aggrieved by the dismissal of the bail in default by the Sessions Court,
the convict has come up before this Court.

2. As per the custody certificate, the petitioner has undergone custody of 01
month, 01 year and 01 day out of 02 years. The order dated 08.01.2015 is extracted
hereinunder:-

*“ Case called several times since morning, but none has
appeared on behalf of the appellant-convict. It is already 2.30 PM.
Hence, the bail bonds and surety bonds of the appellant-convict
are ordered to be cancelled and forfeited to the State.*

*Since the appellant-convict has absented from the
proceedings of this case, as such, his appeal stands dismissed.
Copy of this order be sent to the learned trial Court for arresting
Bhupinder Singh convict-appellant and sending him to Jail to
undergo the sentence awarded by the learned trial Court. Copy of
this order be also placed on the record of the trial Court. Separate
proceedings u/s 446 Cr.P.C. be initiated against the surety and
accused Bhupinder Singh by the learned trial Court. Trial Court
record be returned and appeal file be consigned to the record
room.”*

3. On the face of it, it appears that the trial Court has become biased.

4. Given above, the order dated 08.01.2015 is set aside and the matter is
remanded back to the appellate Court to be heard on merits and the appellate Court is

directed to decide the same by 31.07.2023. Parties to appear before the trial Court on 16.05.2023 at 10:00 a.m. In case the parties shall not appear, it is for the trial Court to follow appropriate process.

5. Petition stands allowed. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

April 26, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No