

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

**Neutral Citation No. 2023:PHHC:134049  
CRM-M-49152-2023  
Date of Decision: October 16, 2023**

**Shamsher Singh @ Samma** ...Petitioner

**Versus**

**State of Punjab** ...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Dixit Garg, Advocate for the petitioner.

**DEEPAK GUPTA, J.(Oral)**

Learned counsel for the petitioner contends that petitioner was on regular bail in case FIR No.125, dated 09.04.2022, under Sections 379-B, 411, 201 of IPC, registered at Police Station A-Division Amritsar. The case was fixed before the learned Magistrate on 07.01.2023, on which date, the case was committed to the Court of Sessions for 01.02.2023. Learned counsel contends that petitioner was not aware as to before which Court he had to appear, due to which he could not appear on 01.02.2023 before the concerned Court of learned Addl. Sessions Judge, Amritsar, who was assigned the case after committal, due to which bail of the petitioner was cancelled on 01.02.2023 vide Annexure P-5.

2. Learned counsel contends that after cancelling the bail, warrants of arrest and then proclamation proceedings under Section 82 Cr.P.C. have been issued against him for 19.10.2023. Learned counsel contends that petitioner is ready to surrender before the Trial Court and he be provided necessary protection.

3. Notice of motion.

4. Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of respondent No.1-State.

5. Learned State counsel has drawn attention towards the conduct of the petitioner and has prayed for dismissal of the petition.

6. Having regard to all the facts and circumstances, petitioner is directed to surrender before the Trial Court on or before 19.10.2023. On his such surrender, the Trial Court shall initiate the proceedings under Section 446 Cr.P.C. against the petitioner and after disposal of those proceedings, shall grant bail to the petitioner. Till the disposal of the proceedings under Section 446 Cr.P.C., the petitioner shall not be taken into custody. If in the meantime, due to issuance of warrants of arrest against the petitioner, he is sought to be arrested, he shall be admitted to interim bail to the satisfaction of the Investigating Officer.

Disposed of.

October 16, 2023  
sarita

(DEEPAK GUPTA)  
JUDGE

Whether reasoned/speaking: Yes/No  
Whether reportable: Yes/No