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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63406-2024

Date of decision: 17.12.2024

SANDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

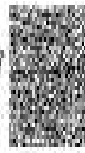
CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Kewal Singh, Addl.A.G. Punjab.

AMARJOT BHATTI, J.

Petitioner-Sandeep Singh has filed the present petition under Section 528 of BNSS, 2023, for quashing of impugned dated 22.02.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Kapurthala, in BA-2732 of 2023 dated 14.12.2023 titled as "Sandeep Singh Vs. State of Punjab" arising out of FIR No.42 dated 13.02.2020 registered under Sections 25(1), 25(1-B) (i) of Arms Act, 1959 (Sections 467, 468, 471 and 120-B of IPC added later on) at Police Station City Kapurthala, District Kapurthala, whereby anticipatory bail application filed by the petitioner is dismissed for want of prosecution which is against the settled tenets of criminal jurisprudence apparently nonest and liable to be set aside.

2. Learned counsel for the petitioner pointed out that Sandeep Singh had filed anticipatory bail application on 14.12.2023 in which he was granted interim anticipatory bail vide order dated 18.01.2024 (Anneuxre P-4). Thereafter, matter remained pending before learned

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regarding joining of investigation and the case was adjourned from time to time. Zimini orders are also annexed with the petition. However, on 22.02.2024, learned counsel for the petitioner was marked absent and the anticipatory bail application was dismissed for want of prosecution. The copy of order is Annexure P-1. It is pointed out that there was no fault of the petitioner as his counsel did not appear on the date fixed. He has already joined the investigation and is still ready to do so. It is submitted that anticipatory bail application of the present petitioner may kindly be restored and decided on merits.

3. Notice of motion. On asking of this Court, Mr. Kewal Singh, Addl.A.G. Punjab, accepts notice on behalf of State. Learned counsel representing State of Punjab confirmed that petitioner has already joined the investigation, as per the instructions received by him.

4. I have considered the aforesaid factual position. Anticipatory bail application has been dismissed for want of prosecution by marking absence of learned counsel for applicant/accused Sandeep Singh. It is not the case that the learned counsel for applicant/accused was not appearing since long and for that reason it was dismissed for want of prosecution. Contents of petition further indicates that petitioner had already joined investigation and this fact is confirmed by learned counsel representing State.

5. In the light of this, it is appropriate that anticipatory bail filed by the petitioner is decided on merits. Therefore, petition filed by petitioner is accordingly accepted and the impugned order 22.02.2024 is accordingly quashed with direction to the learned trial Court to restore the said bail application at its original number and be disposed of on merits as



(AMARJOT BHATTI)
JUDGE

17.12.2024
monika

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No