

2025:PHHC:156754



CRM-M-4398-2020 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(253) CRM-M-4398-2020 (O & M)
Date of decision: 11.11.2025

Gurpreet Singh @ Khalsa @ Baba

... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Bains, Sr. Advocate,
with M.S. Chauhan, Advocate,
for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 30.10.2019 passed by the Additional Sessions Judges, Ludhiana (Annexure P-2) vide which the expenses and charges for conveyance for taking the petitioner to the examination centre have been directed to be borne by the petitioner who is in custody in FIR No.0092 dated 26.07.2016 registered at Police Station Dehlon, District Ludhiana (Police Commissionerate) (Annexure P-1/T) as he has no source of income.

2. The brief facts of the case are that the petitioner was confined at District Jail, Nabha in relation to FIR No.0092 dated



CRM-M-4398-2020 (O & M)

::2::

26.07.2016 registered at Police Station Dehlon, District Ludhiana (Police Commissionerate). As he was unable to clear the written and practical examination of physical education and sports, he was granted one opportunity to clear the same. He moved an application before the Additional Sessions Judge, Ludhiana seeking the issuance of directions to the Superintendents, Maximum Security Jail, Nabha to send him under the protection of security guards to attend the golden chance reappear examination of written and practical papers of physical education and sports at Government Senior Secondary School (Boys), Sangrur on 02.11.2019 from 11.00 am to 2.30 p.m.

3. The said application was allowed vide order dated 30.10.2019 and the relevant extract of the order is as under:-

9. Apart from this, I also find merit in the submission of the ld. counsel for accused Gurpreet Singh @ Khalsa @ Baba pertaining to the application for seeking directions to Superintendent, Maximum Security Jail, Nabha to sending accused/applicant Gurpreet Singh son of Ranjit Singh in protection of security guards to attend the Golden Chance Re-Appear Examination of written and practical papers of physical education and sports. Alongwith this application, the ld. counsel for the accused attached copy of date sheet and roll number of accused/applicant Gurpreet Singh @ Khalsa @ Baba, which shows that the examination of physical education and sports of accused Gurpreet Singh @ Khalsa @ Baba is going to held on 02.11.2019 from 11.00 AM to 02.15 PM at Govt. Senior Secondary School (Boys), Sangrur. In these circumstances, this court is of the considered view that if the present application is allowed, then no



CRM-M-4398-2020 (O & M)

::3::

prejudice would be caused to the rights of the prosecution and if the present application is declined straightway, then it can harm the future of accused Gurpreet Singh @ Khalsa @ Baba with regard to his studies. Resultantly, the present application is hereby allowed to the effect that the Superintendent, Maximum Security Jail, Nabha is directed to arrange the special guards for accused Gurpreet Singh @ Khalsa @ Baba in the above said case, who will take said accused Gurpreet Singh @ Khalsa @ Baba straightway to the said examination center stated above on 02.11.2019 in tight security and keep him there till 04:00 PM in police custody to appear in the examination of physical education and sports there. Thereafter, the accused would be brought back straightway from the examination center stated above to Maximum Security Jail, Nabha immediately and be lodged him there. Necessary expenses and charges for conveyance would be borne in this regard by accused Gurpreet Singh @ Khalsa @ Baba. After compliance of this order, Superintendent, Maximum Security Jail, Nabha will report immediately in this regard. Necessary intimation be sent to the Superintendent, Maximum Security Jail, Nabha in this regard. Anything stated or observed while deciding both the present applications shall have no effect on the merits of this case.

4. The present petition has been filed challenging the condition imposed upon the petitioner in the aforesaid order that the necessary expenses and charges for the conveyance would be borne by him.

5. The learned counsel for the petitioner contends that as the petitioner has been confined in Jail, he has no source of income. Further, the family of the petitioner is not financially strong enough to make the payment as ordered. The father of the



CRM-M-4398-2020 (O & M)

::4::

petitioner has passed away and the brother is residing separately and has own family. The only surviving person is the mother of the petitioner who earns her living by selling milk. He, therefore, contends that the impugned order (Annexure P-2) be quashed to the extent that he has been asked to deposit the expenses/charges for conveyance for taking him to the Examination Centre.

6. The learned counsel for the State, on the other hand, while referring to the reply dated 23.06.2021 contends that the petitioner is a habitual offender with multiple cases registered against him. The impugned order was passed on 30.10.2019. The petitioner appeared in the re-examination on 02.11.2019 and has filed the instant petition only on 15.01.2020 i.e. after he had appeared in the said examination. In case, he was aggrieved with the directions in the impugned order of the expenses/charges for conveyance being borne by him, he ought to have challenged the same immediately after it had been passed. Not having done so, at that stage, he is precluded for his conduct in doing so after he has appeared in the re-examination.

7. I have heard the learned counsel for the parties.

8. Admittedly, the petitioner is a habitual offender. He sought an opportunity to appear in the examination which was

**CRM-M-4398-2020 (O & M)**

::5::

granted by the Court of the Additional Sessions Judge, Ludhiana vide order dated 30.10.2019 (Annexure P-2). While granting the said permission, necessary expenses and charges for conveyance were ordered to be borne by the petitioner but he did not challenge the said order immediately after passing of the same. He, on the other hand, availed the opportunity provided by appearing in the re-examination on 02.11.2019 and only when a demand was made for reimbursing the expenses incurred by the State has the instant petition been filed.

9. Apparently, the conduct of the petitioner in not challenging the impugned order at the earliest possible stage cannot be condoned. In fact, he has deliberately filed the instant petition after he has already appeared in the re-examination pursuant to the impugned order dated 30.10.2019 (Annexure P-2).

10. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

11. The pending application(s), if any, shall stand disposed of accordingly.

November 11, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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