



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

106

CRM-M-9725-2025
Decided on : 19.02.2025

Hargobind Singh alias Ravi and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurvinder Singh Aulakh, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for the grant of anticipatory bail to the petitioners in case/Appeal bearing CRA No.70 of 2019, dated 22.02.2019 (Annexure P-1), pending for 21.02.2025, before Ld. Sessions Court at Sri Muktsar Sahib, arising out of FIR No.0016, dated 01.03.2015, under Sections 457 & 380 of IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Present petition has been filed by submitting that in the appellate proceedings of a criminal appeal filed by them, on account of their absence, the bail already granted to them, has been cancelled. Therefore, they are apprehensive of their arrest once again.

3. Petitioners are accused in FIR No.16, dated 01.03.2015, under Sections 457 & 380 of IPC, registered at Police Station Kotbhai, District Sri



Muktsar Sahib. Vide judgment of conviction and order of sentence dated 13.07.2018, petitioners – Hargobind Singh @ Ravi and Sandeep Singh @ Seepa, had been convicted for the offences under Sections 4457, 380 r/w 34 of IPC and sentenced as under:-

Under Section	Sentence (R.I.)	Fine (in Rs.)	In Default
457 of IPC	2 Years	1,000	2 Week
380 of IPC	2 Years	1,000	2 Week

4. The judgment of conviction and order of sentence dated 13.07.2018, has been assailed by the petitioners before the Court of Sessions vide appeal bearing No. CRA No.70 of 2019. Said appeal is pending consideration before Appellate Court since the year 2019, wherein, for the last about five years, both the petitioners had been appearing on each and every date fixed by the said Appellate Court.

5. Counsel for the petitioners submits that from the past conduct of the petitioners i.e. during the course of trial and subsequently, during the period of pendency of appeal before the lower Appellate Court also, only one and single default has been committed by them.

Besides, counsel also points out that on the said date, neither the counsel representing the petitioners before the lower Appellate Court appeared nor they petitioners were able to appear. Resultantly, their bail was cancelled.

Counsel further submits that petitioners had noted down a wrong date (i.e. next date fixed before the lower Appellate Court) and that was a mistake, which cannot be alleged as a *mala fide* one i.e. to avoid their appearance before the Court below, especially, looking at their past conduct.



6. Counsel for the petitioners further submits that in case one opportunity is granted to the petitioners, by protecting them from arrest, petitioners undertakes that they would not absent themselves in future, without there being prior permission from the Court, and fully cooperate for early disposal of the proceedings.

7. Notice of motion.

8. On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and opposes the submissions made by counsel for the petitioners by submitting that petitioners have wilfully breached the concession of bail. Therefore, looking at their behaviour and conduct, there is no surety that in future also, they would not be absent for the purpose of delaying the proceedings before the lower Appellate Court.

9. I have heard counsel for the petitioners and perused the relevant material on record.

10. The petitioners have remiss in appearing before the lower Appellate Court only on one date i.e. on 08.10.2024, when impugned order cancelling the bail orders relating to suspension of sentence has been passed against him. However, it also cannot be left unnoticed that within four months of the absence from the Court, and on coming to know about passing of the impugned order, the petitioners have approached this Court, showing their inclination to joint the process of law.

Besides, the paramount consideration for the Court is to secure presence of the accused as well as all the concerned parties before it, without wastage of much time and that purpose would be served by accepting the prayer, which has been addressed by learned counsel for the petitioners



before this Court.

11. Even the learned State counsel is also not averse to the *prima facie* view expressed by this Court.

12. Resultantly, prayer made in the present petition is allowed, and the impugned order dated 08.10.2024, whereby, the bail orders relating to the suspension of sentence qua the petitioners, was cancelled, is hereby **set-aside** and the petitioners are directed to join the proceedings before the lower Appellate Court on 21.02.2025, the date already fixed in the appeal, pending before it.

13. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 19, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No