

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 24th OF JULY, 2024
MISCELLANEOUS CRIMINAL CASE No. 29009 of 2024
RANJEET SINGH JOHAL
Versus
THE STATE OF MADHYA PRADESH**

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Appearance:

Shri Shafiqullah – Advocate for the applicant.

Shri K.S. Baghel – Public Prosecutor for the respondents/State.

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ORDER

Case diary is available.

2. This fourth application under Section 439 of Cr.P.C. has been filed for grant of bail.
3. The applicant has been arrested on 06.10.2023 in connection with Crime No.891/2023 registered at Police Station Nishatpura, District Bhopal for offence under Sections 420, 406/34 of IPC.
4. It is submitted by counsel for applicant that the allegations against the applicant are that he used to take vehicles on rent and thereafter, he mortgaged the vehicles and took away the money. It is submitted that there is a delay in trial and applicant is in jail from 06.10.2023. In compliance of order dated 29.05.2024 passed in M.Cr.C. No.21121/2024 by which the third application of the applicant was rejected, applicant has filed the copies of the order sheets of the trial Court to show that there is a delay in trial.
5. From the order sheets, it is clear that charge sheet was filed on 05.12.2023 and from 02.01.2024, the counsel for accused persons

continuously took time to argue on the question of framing of charges. There is another shocking aspect in the matter. By order dated 10.02.2024 the trial Court had fixed the case for argument on the question of framing of charges but on the next date i.e. 24.02.2024, the trial Court observed that prosecution witnesses are not present and again fixed the case for recording of evidence on 09.03.2024. On 09.03.2024 also, after marking absence of prosecution witnesses, the case was adjourned for recording of evidence on 23.03.2024. On 23.03.2024 also, once again the case was fixed for recording of evidence. On 05.04.2024 the trial Court realized its mistake and once again fixed the case for hearing on the question of framing of charges. The order sheets dated 24.02.2024, 09.03.2024 and 23.03.2024 are hand written, whereas the other order sheets are typed. Thus, it is clear that whatever order sheets were dictated by the trial Court were duly typed but it appears that order sheets dated 24.02.2024, 09.03.2024 and 23.03.2024 were written by the clerk, which were blindly signed by the trial Court.

6. This conduct of the trial Court cannot be appreciated. The Principal District and Sessions Judge, Bhopal is directed to conduct an enquiry that under what circumstances, the order sheets dated 24.02.2024, 09.03.2024 and 23.03.2024 were written and signed by the trial Court and if it is found that the trial Court was negligent, then he is directed to place the said report before Hon'ble The Chief Justice for action on administrative side and if the Principal District and Sessions Judge, Bhopal also comes to a conclusion that the concerning clerk was also responsible for writing incorrect order sheets, then he shall initiate departmental proceedings against him.

7. Let the entire proceedings be concluded within a period of two months from today.
8. On 05.04.2024, the case was again fixed for arguments on the question of framing of charges and ultimately on 20.04.2024, the charges were framed and the case was fixed for recording of evidence. On 03.05.2024, it was directed that summons be issued and the case was fixed for 17.05.2024. On 17.05.2024 and 31.05.2024 a direction was given to issue summons to the witnesses but there is no endorsement in the side of the order sheets to show that summons were ever issued. On 14.06.2024, it was mentioned that the summons issued to the witnesses have not been received back but from order dated 31.05.2024 it appears that no summons were issued at all. Therefore, *prima facie* it appears that the observation made by the trial Judge on 14.06.2024 was not correct.
9. Be that whatever it may be.
10. The case was fixed for 27.06.2024 and on the said date one of the co-accused Ankit Sharma went absconding and his bail bonds have been cancelled and arrest warrant has been issued. Thus, it is clear that there is no delay on the part of the prosecution and even the co-accused has absconded.
11. Considering the nature of allegations against the applicant, who was the mastermind in mortgaging the vehicles after taking it on rent coupled with the fact that it is the counsel for the accused including the applicant, who were responsible for not arguing the case on the question of framing of charges as well as the fact that the co-accused has also absconded, no case is made out for grant of bail.

12. However, liberty is granted to the applicant to revive the prayer after co-accused Ankit Sharma surrenders himself. In the meanwhile, if so desires, the applicant can move an application for separation of trial from the absconding accused Ankit Sharma.

13. With aforesaid observation, the application fails and is hereby **dismissed**.

14. A copy of this order be sent to Principal District and Sessions Judge, Bhopal for necessary action and compliance.

(G.S. AHLUWALIA)
JUDGE

SR*