

GAHC010253722024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1448/2024

JASPRIT SINGH PANESAR
S/O GURUDEEP SINGH PANESAR, RESIDENT OF BLOCK 1A, 1ST FLOOR,
REGENT PARADISE APARTMENT, GHORAMARA, GHORAMARA, PO AND
PS HATIGAON, DIST KAMRUP M ASSAM 781038

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:SUDIPTA SEKHOR BHARALI
RESIDENT OF IA
A4
8TH FLOOR
REGENT PARADISE APARTMENT
GHORAMARA
BHATAPARA
2

Advocate for the Petitioner : MR. G PHUKAN, L KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 29-11-2024

Heard Mr. G. Phukan, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State respondent.

This is an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 for quashing of the impugned order dated 22.11.2024 in PRC Case No.1283/2024 passed by the learned JMFC, Kamrup, Guwahati whereby NBWA issued against the petitioner.

It is submitted by the learned counsel for the petitioner that on 22.11.2024, the present accused petitioner, who is a practicing lawyer, was allowed to go on bail by the learned trial Court below for Rs.10,000/- along with one surety. But his bail bond was rejected as the bailor was not found satisfactory. Later on, he was intend to give the cash surety and accordingly by informing the Bench Assistant he left out of the Court premises to take out the cash amount of Rs.10,000/- to furnish as a surety. But as the time was over and he could not come before the learned trial Court Below, the NBWA issued against him with a view that he had fled away from the Court premises. But there was no such intention of the present petitioner and he went out of the Court premises only informing the Bench Assistant to take out the money from the ATM, but in between, as the Court working hour was over, the NBWA issued against him. It is also submitted by the learned counsel for the petitioner that the petitioner is ready and willing to appear before the trial Court Below and to contest the case and accordingly, prays for stay of NBWA issued against him allowing him to appear before the trial Court below.

Learned Additional Public Prosecutor has submitted in this regard that the petitioner may be directed to appear before the trial Court below with an appropriate application for bail.

Considering the entire facts and circumstance of the case and the submissions made by the learned counsel for both sides, I hereby direct the accused petitioner to appear before the trial Court below with fresh application for bail, which may be considered in accordance with law. Till the next date of listing i.e. 03.12.2024, the NBWA issued against the petitioner be stayed/suspended.

With the above observation, the petition is accordingly disposed of.

JUDGE

Comparing Assistant