

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-12931 of 2012 (O&M)
Date of Decision: November 18, 2015

Minakshi and another

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Damanbir Singh Sobti, Advocate
for the petitioners.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.S.S.Behl, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for setting aside the order dated 20.03.2012 and all consequent orders thereto issuing non-bailable warrants against the petitioners in case FIR No.113 dated 23.08.2011 under Sections 420 and 120-B IPC registered at Police Station Division No.7, Ludhiana.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The only argument of learned counsel for the petitioners is that when the proceedings were stayed by this Court on 08.11.2011 in the regular bail filed by father-in-law of petitioners No.1, then the issuance of non-bailable warrants thereafter on 20.03.2012 is illegal.

Learned State counsel as well as learned counsel for the complainant have not contested this argument. Otherwise also, Annexure P-2 is the copy of the order passed in CRM No.M-29349 of 2011 relating to FIR No.113 dated 23.08.2011, in which it is ordered on 08.11.2011 that “adjourned to 23.02.2012 to enable the investigating officer to get the report of the FSL. Till the next date further proceedings in the trial Court shall remain stayed.” Then the non-bailable warrants by the trial Court cannot be issued nor proceedings were to be done. Further, Annexure P-3 is order dated 30.03.2012, in which it was ordered “interim order to continue.”

In view of the above discussion, when the proceedings have already been stayed by this Court, then the issuance of non-bailable warrants against the accused is illegal. Therefore, the order dated 20.03.2012 and all consequent orders thereto passed in case FIR No.113 dated 23.08.2011 are hereby quashed. The petitioners will be treated on bail already granted to them.

The present petition stands allowed accordingly.

November 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE