

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

116

COCN No.2571 of 2018

Date of Decision: August 27th, 2018

Ashraf

...Petitioner

Versus

Sh. Parveen, Sub Divisional Judicial Magistrate, Ferozepur Jhirka

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

AUGUSTINE GEORGE MASHI, J. (ORAL)

Petitioner has approached this Court alleging contempt of the order dated 10.01.2018 (Annexure P-1) passed by this Court, whereby the arrest of the petitioner was stayed subject to the satisfaction of the trial Court. Petitioner, in pursuance to the said order, appeared before the Sub Divisional Judicial Magistrate, Ferozepur Jhirka, on 11.01.2018. The Court did not, at that stage, call for or require the petitioner to furnish any bail bonds or surety. Petitioner had been thereafter appearing before the trial Court on various dates. However, the trial Court had thereafter sought the petitioner to furnish his bail bonds with one surety, which the petitioner did not submit or furnish as per the order of the trial Court, resulting in passing of the order dated 09.08.2018, whereby the trial Court has proceeded to issue warrants of arrest.

2. Counsel for the petitioner contends that the issuance of warrants of arrest by the trial Court vide order dated 09.08.2018 would amount to contempt of order dated 10.01.2018 passed by this Court.

3. This contention of learned counsel for the petitioner cannot be accepted as the initial order dated 10.01.2018, which was passed by this

Court, staying the arrest of the petitioner was subject to the satisfaction of learned trial Court. May be initially the trial Court did not call upon the petitioner to furnish the bail bonds or any surety but as and when the trial Court sought for the same, petitioner was bound to satisfy the Court by furnishing the bail bonds and surety. The petitioner having not done so, warrants of arrest, as issued by the trial Court vide order dated 09.08.2018 (Annexure P-4), cannot be said to be in violation of the order dated 10.08.2018 or contemptuous in any manner.

4. There being no merit in the present petition, the same stands dismissed.

August 27th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No