

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-28430 of 2018 (O&M)

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Date of decision:19.7.2018

Gautam Patel

...Petitioner

v.

State of Punjab

...Respondent

....

(2) Criminal Misc. No.M-28408 of 2018 (O&M)

.....

Rajiv Indur Dadlani

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.S. Rai, Senior Advocate with Mr. Anurag Arora and Ms. Rubina Virmani, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. J.S. Bedi, Senior Advocate with Mr. Sonpreet S. Brar Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 482 Cr.P.C. seeking quashing of the impugned order issuing warrants of arrest dated 6.6.2018 (Annexure-P.1) and warrants of

arrest dated 6.6.2018 (Annexure-P.2) issued by learned Chief Judicial Magistrate, Bathinda, Punjab in FIR No.114 dated 23.5.2018 registered for the offence under Section 420 IPC (Annexure-P.9) at Police Station Kotwali Bathinda, District Bathinda and all consequential proceedings emanating therefrom.

Notice of motion was issued in these cases.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. J.S. Bedi, learned Senior Advocate assisted by Mr. Sonpreet S. Brar, Advocate has appeared for the complainant and contested these petitions.

I have heard learned senior counsel for the petitioners as well as learned Senior Deputy Advocate General, Punjab appearing for the respondent-State and learned senior counsel for the complainant and have gone through the record.

At the time of arguments, it is admitted fact that on the basis of warrants of arrest issued by the learned Chief Judicial Magistrate, Bathinda, in this FIR, the present petitioners have been arrested by the Police. It is also admitted fact between the parties that transit bail had been granted for seven days vide common order dated 4.7.2018 (Annexure-P.12) passed by the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, with the directions to the petitioners to surrender before learned Chief Judicial Magistrate, Bathinda, on furnishing of P.R. bond of Rs.50,000/- each with cash security of Rs.2,00,000/- each. They were directed to attend the Court of learned Chief Judicial Magistrate, Bathinda

(Punjab) on or before 11.7.2018 along with other conditions. It is also admitted fact that the petitioners instead of appearing before the Court of learned Chief Judicial Magistrate, Bathinda, as per the above order, have filed these petitions for quashing of non-bailable warrants.

Learned senior counsel for the petitioners argued that these issuance of non-bailable warrants are not as per law and are illegal as procedure has not been adopted and compliance of Sections 41 and 41-A Cr.P.C. has not been made which is mandatory.

On the other hand, learned senior counsel for the complainant and learned State counsel argued that the non-bailable warrants which the petitioners want to get quashed have already been executed after the arrest of the present petitioners and producing them for transit remand before the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, therefore, they argued that as the non-bailable warrants have already been executed, hence, these petitions have become infructuous.

After hearing learned counsel for the parties, I find that there is merit in the argument of the learned senior counsel for the complainant and learned State counsel. The non-bailable warrants issued vide order dated 6.6.2018 by the learned Chief Judicial Magistrate, Bathinda, have already been executed and now these warrants are not pending, therefore, these petitions have become infructuous. It has also been brought to my notice that as the petitioners have not complied with the order passed by learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai and the Court again issued fresh non-bailable warrants which have not been

challenged.

Therefore, keeping in view the above facts, I find that these petitions are not maintainable and the same are dismissed which have been filed after the grant of transit bail for seven days and after the execution of non-bailable warrants vide which the petitioners have been arrested.

July 19, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No