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

CRM-M-41032-2021

Date of decision : 14.12.2021

Malkeet Singh @ Meeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. praying for quashing of impugned order dated 14.11.2019 (Annexure P-4) passed by the Additional Chief Judicial Magistrate, Amritsar in FIR No.106 dated 09.06.2018 registered under Section 61 of the Punjab Excise Act, 1914 (hereinafter to be referred as “the Act of 1914”) at Police Station Sadar Amritsar, District Amritsar (Annexure P-1), whereby non-bailable warrants had been issued against the petitioner.

Learned counsel for the petitioner has submitted that in the present case, the abovesaid FIR was registered against the petitioner and he was arrested and then released on bail vide order dated 03.07.2018 (Annexure P-2) and bail bonds as had been directed, were furnished and

thereupon accepted and attested on 04.07.2018 (Annexure P-3). It has been argued that on 14.11.2019, the petitioner could not appear before the trial Court as he was taken into custody in another FIR i.e. FIR No.179 dated 25.10.2015 registered under Section 61 of the Act of 1914 at Police Station Sadar Amritsar. It has further been argued that the petitioner had been arrested in the said case on 08.11.2019 and was released on bail on 19.12.2019 and thus, could not appear on 14.11.2019. Learned counsel for the petitioner has also referred to various zimni orders to show that subsequent to the same also, no witness had appeared and on many of the dates, the matter was adjourned on account of COVID-19 pandemic and on the other dates, non-bailable warrants had been issued against the petitioner and now the case is fixed for 13.01.2022 and the petitioner undertakes to appear before the trial Court within a period of 15 days from today in case the interim protection is granted to the petitioner.

Learned counsel for the petitioner has also submitted that on account of the delay caused, the petitioner is ready to deposit Rs.10,000/- as costs, although not on account of his fault.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has submitted that the petitioner had the knowledge of the proceedings and had not appeared on 14.11.2019 on account of which the impugned order had been passed.

This Court has heard the learned counsel for the parties and has perused the record.

It is not in dispute that the petitioner had been granted bail in the present case vide order dated 03.07.2018. The petitioner is stated to have been in custody in another case from 08.11.2019 to 19.12.2019 and thus, he could not appear on 14.11.2019 in the present case on account of which his bail was cancelled and bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against the petitioner.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioner has undertaken to appear before the trial Court within a period of 15 days from today and also ready to pay Rs.10,000/- as costs, and since the primary purpose of issuing bailable warrants/non-bailable warrants is to secure the presence of the petitioner, thus, in the interest of justice, the present petition is allowed and the impugned order dated 14.11.2019 (Annexure P-4) is set aside, subject to the petitioner's appearance before the trial Court within a period of 15 days from today and on such appearance, the petitioner would be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court and subject to the petitioner's depositing an amount of Rs.10,000/- as costs in the High Court Lawyers' Welfare Fund within a said period of 15 days.

It is made clear that in case, the petitioner does not appear before the trial Court within a period of 15 days from today or does not

deposit the said amount of Rs.10,000/- as costs as has been directed hereinabove, within the aforesaid period, then the present petition would be deemed to have been dismissed.

It is further made clear that the petitioner would appear on each and every date before the trial Court except on the date when the personal appearance of the petitioner has specifically been exempted.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

14.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No