

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

137

CRM-M-23491-2022

Date of Decision: 26.05.2022

Balvir Singh @ Balbir and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Dinesh Trehan, Advocate for the petitioners.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 13.05.2022 (P-4) passed by learned Additional Sessions Judge, Ludhiana whereby non-bailable warrants were issued against the petitioners.

The petitioners are accused in case FIR No. 71 dated 07.06.2020, under Section 379 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Sidhwan Bet, District Ludhiana Rural. The petitioners were granted bail by the trial Court vide order dated 18.06.2020. The petitioners, thereafter, regularly appeared before the Court. On account of non-appearance of petitioners on 22.03.2022 and 13.05.2022, the bail was ordered to be cancelled and bail/surety bonds were ordered to be forfeited and non-bailable warrants were issued against the petitioners for 01.07.2022.

Learned counsel for the petitioners states that non-appearance of the petitioners before trial Court on 22.03.2022 and 13.05.2022 was not intentional. Infact the petitioners were not aware

about the dates fixed. It was never the intention of the petitioners to evade the process of law. They are ready to surrender before learned trial Court and face trial.

Notice of motion.

Mr. B.S. Sewak, Addl. A.G., Punjab accepts notice on behalf of the respondent/State.

Taking into account the facts of the present case, this petition is disposed of with the observation that the petitioners may appear before the learned trial Court on the date fixed i.e. on 01.07.2022. On their doing so, they shall be released on interim bail by the trial Court subject to their furnishing bail bonds and surety bonds to its satisfaction.

They shall also file an undertaking to continue appearing before the Court as and when required apart from following all the terms and conditions fixed in this respect.

Till 01.07.2022, the execution of the non-bailable warrants issued against the petitioners shall remain stayed.

However, it is clarified that if the petitioners do not appear on the date fixed, the present petition shall be deemed to be dismissed.

[HARINDER SINGH SIDHU]
JUDGE

May 26, 2022
rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no