

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-51624-2022 (O&M)  
Date of decision: 30.11.2022

M/s Kejriwal Mining Private Limited and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Anshul Mangla, Advocate  
for the petitioners.

Mr. Navneet Singh, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the order dated 23.09.2022 passed by the trial Court issuing non-bailable warrants against the petitioners, as they have failed to appear before the Court, despite repeated notices.

On 11.11.2022, following order was passed by this Court: -

*“...At the very outset, a reference is made to the order dated 11.02.2022 passed by a co-ordinate Bench in **CRM-M-9107-2020**, in which, the petitioners, on an earlier occasion, had prayed for granting exemption from personal appearance and the said*

*petition was dismissed, however, it was directed that the petitioners will appear before the trial Court and furnish their bail/surety bonds.*

*Learned counsel submits that an SLP was also filed before Hon'ble Supreme Court, which was dismissed and thereafter, the petitioners went to Patiala to appear before the Court of Magistrate, however, the complainant side came there with the police authorities and coerce them to repay the amount and in this regard, a transfer application is also filed before the Sessions Judge, Patiala, which is pending.*

*On the face of it, this Court is not convinced with the explanation given by the petitioners as it is noticed in the aforesaid order dated 11.02.2022 that since 2019, the petitioners are evading their appearance before the trial Court and by referring to some incidents on 18.04.2022, qua which even no DDR was registered, the petitioners have tried to gain time, however, considering the fact that in order to proceed with the trial, the presence of the petitioners is required, the petitioners are directed to appear before the trial Court within a period of ten days from today, in terms of order dated 11.02.2022.*

*List again on 30.11.2022.*

*However, this will be subject to a condition that the petitioners will deposit a cost of Rs.10,000/- with the District Legal*

*Services Authority, Patiala.”*

Learned counsel for the petitioners submits that in pursuance of the aforesaid order, the petitioners have put in appearance before the Judicial Magistrate 1<sup>st</sup> Class, Nabha on 17.11.2022 and they have been released on bail subject to their furnishing bail bonds and they have also deposited the costs of Rs.10,000/- with the District Legal Services Authority, Patiala.

Learned State counsel has not disputed the aforesaid fact.

In view of the above, this petition is allowed and the impugned order dated 23.09.2022 passed by the trial Court is set aside.

30.11.2022  
*vishnu*

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No