

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52659 of 2022
Date of Decision:15.11.2022

Nishan Singh @ Labi

-----Petitioner

vs.

State of Punjab

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. M.S.Saini, Advocate,
for the petitioner

Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of impugned order dated 11.5.2022 (Annexure P-3) whereby non-bailable warrants of arrest were issued on 11.5.2022 for non-appearance of the petitioner in FIR No. 13 dated 24.2.2017 under Sections 379-B of IPC, registered at Police Station, Haryana, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was granted concession of regular bail by trial court vide order dated 12.12.2017 and since then petitioner was appearing before trial court on each and every date. Being truck driver, petitioner has to move out of state and sometimes fail to come back within short time. Learned trial court on account of non-appearance of the petitioner vide order dated 11.5.2022 has cancelled the bail bonds and issued non-bailable warrants.

Notice of Motion.

On the asking of the Court Mr. J.P.Ratra, Sr. DAG, Punjab,

who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts, however, prays for imposition of costs.

The petitioner was granted regular bail. Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, I deem it appropriate to extend concession of bail to the petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Trial Court. The petitioner is directed to appear before learned Trial Court on 21.11.2022 and furnish fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Hoshiarpur.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

November 15, 2022
paramjit

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