

CRM-M-58634 of 2022

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

CRM-M-58634 of 2022
Date of decision: 20.12.2022

Baldev Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajesh K. Dadwal, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 30.11.2022 (Annexure P-6) passed by the Court of learned Judicial Magistrate Ist Class, Hoshiarpur, in case FIR No.1 dated 01.01.2016 under Sections 420, 465 (wrongly mentioned as Section 468 in the petition), 467, 468, 471, 120-B IPC, registered at Police Station NRI Hoshiarpur, to the extent whereby SHO/IO has been directed to register an FIR under Section 229A IPC against the petitioner.

Learned counsel for the petitioner contends that in the aforementioned case, petitioner has been granted anticipatory bail by the Court of learned Additional Sessions Judge, Hoshiarpur, vide order dated 06.12.2022 subject to his appearing before the trial Court on 09.12.2022. He further submits that in pursuance of order dated 06.12.2022, petitioner

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appeared before the trial Court on the date fixed i.e. 09.12.2022 and furnished bail/surety bonds, which have been accepted by the Court. Learned counsel submits that petitioner is aggrieved against the impugned order dated 30.11.2022 (Annexure P-6) to the extent that SHO/IO has been directed to register an FIR under Section 229A IPC against him for his non-appearance before the trial Court, which is liable to be set aside as the petitioner has already appeared before the trial Court and furnished bail/surety bonds. He further submits that on 30.11.2022, he had gone to Hon'ble High Court to collect dasti summons in terms of order dated 22.11.2022 (Annexure P-2) passed in CRM-M-45552 of 2022 – Baldev Singh v. State of Punjab and another.

Notice of motion.

Mr. Adhiraj Singh, A.A.G., Punjab. accepts notice on behalf of the respondent-State and submits that the impugned order has been passed on the sole ground of one absence of the petitioner, however, it is not disputed by him that pursuant to order dated 06.12.2022 passed by learned Additional Sessions Judge, Hoshiarpur, petitioner has appeared and furnished bail/surety bonds, which have been accepted by the trial Court.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner has produced the copies of order 06.12.2022 of the Additional Sessions Judge, Hoshiarpur, whereby petitioner has been admitted to bail subject to his appearing before the trial Court on 09.12.2022 and order dated 09.12.2022, perusal of which shows that in compliance of order dated 09.12.2022 petitioner has

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appeared before the trial Court and furnished bail bonds/surety bonds, which have been accepted by the trial Court.

In view of the above, present petition is allowed. Order dated 30.11.2022 (Annexure P-6) whereby FIR under Section 229A IPC has been ordered to be registered against the petitioner, is set aside;

20.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No