

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7089-2023

Date of Decision: 13.2.2023

Harwant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner seeking quashing of order dated 22.8.2022 (Annexure P-2) passed by the Court of learned Judicial Magistrate, 1st Class, Phool, District Bathinda whereby non-bailable warrants of the petitioner are ordered to be issued in case having FIR No.13 dated 12.2.2020 registered under Sections 25, 27 of Arms Act and Sections 61, 78 of Punjab Excise Act at Police Station Dayalpura, District Bathinda.

Counsel for the petitioner *inter alia* contends that before passing of the impugned order, the petitioner was granted regular bail and pursuant to the same, the petitioner was appearing in the trial Court, but on 22.8.2022, the petitioner due to some unavoidable circumstances, failed to appear in the trial Court and consequently, impugned order dated 22.8.2022 (Annexure P-2) was passed. He further submits that this was the first default on the part of the petitioner and that the petitioner is ready to join the

proceedings before the learned trial Court.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Kuldip Singh submits that being aggrieved by the order Annexure P-2, the petitioner approached the Sessions Court, Bathinda which directed the petitioner to surrender before the trial Court within next 2 days and thereafter, the petitioner failed to comply with the said order.

Faced with this situation, counsel for the petitioner submits that enough time was not given to the petitioner to surrender before the trial Court by the Sessions Judge, Bathinda while passing order Annexure P-3 and this is the only reason that the petitioner failed to comply with the said order.

In view of above, without commenting on the merits of the case, the present petition is allowed and impugned order dated 22.8.2022 (Annexure P-2) is set aside. The petitioner is directed to appear before the learned trial Court within next 20 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to costs of ₹ 5000/- to be deposited by the petitioner with District Legal Services Authority, Bathinda.

(KARAMJIT SINGH)
JUDGE

February 13, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No