

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(118)

CRM-M-6824-2023

Date of Decision: 08.02.2023

Akash @ Chumbu

--Petitioner

Versus

State of U.T., Chandigarh

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. Pushpinder Kaur, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has filed the present petition seeking quashing of impugned order dated 25.1.2023 (Annexure P-3) vide which, non-bailable warrants have been issued against him in a case FIR No.126 dated 9.6.2020, registered under Sections 435, 427 IPC at Police Station, Mauli Jagran, District Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner was not even named in the FIR and he has been implicated in the present case on the basis of the disclosure statement of the co-accused Anil. He submits that the petitioner was granted bail, however, on account of noting wrong date he remained absent only on one date i.e. 12.1.2023 and his bail bonds were cancelled and non-bailable warrants were issued against him. He submits that the petitioner would be cautious enough in future and will not remain absent from Court and would abide by all the terms and conditions of the bail granted to him.

Notice of motion.

On asking of the Court, Mr. Amit Kumar Goyal, APP, U.T., Chandigarh accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the petitioner is facing trial in the above said case and remained absent on 12.1.2023 on account of noting wrong date of hearing and on account of this, his bail/surety bonds were cancelled and he was ordered to be summoned through non-bailable warrants. As the petitioner is ready to join the proceedings, no purpose will be served by sending him behind the bars. So keeping in view the facts and circumstances of the case, the present petition is disposed of and the order dated 25.1.2023 is set aside.

The petitioner is directed to appear and surrender before the trial Court within 10 days from today and file appropriate application and the Court concerned would consider and decide the same within three days from the date of filing of the same in accordance with law. The petitioner will have protection from arrest for a period of 10 days.

Needless to say that in case the petitioner fails to comply with the above said direction, this order would be of no avail and the order dated 25.1.2023 will come in force.

(RAJESH BHARDWAJ)
JUDGE

08.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No