

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

138

CRM-M-11823-2023

Date of Decision : 09.03.2023

Narinder Gupta and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sandeep Arora, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioners are seeking quashing of order dated 17.11.2022 (Annexure P-5) whereby Judicial Magistrate Ist Class, Jalandhar has issued non-bailable warrants against them in FIR No. 25 dated 02.03.2019 under Sections 323, 354, 342, 506, 34 IPC, registered at Police Station Division No.7, Jalandhar.

Learned counsel for the petitioners *inter alia* contends that the petitioners are husband and wife. The petitioners have been granted concession of anticipatory bail by learned Sessions Court. They have joined investigation and their bail was made absolute after joining investigation. On account of lack of information, the petitioners could not appear before the trial Court after filing of *challan*. The trial Court has issued non-bailable warrants against the petitioners. They are permanent resident of Jalandhar and they are not involved in any other offence. They are ready and willing to appear before trial Court. They are ready to face the

trial and pay costs of Rs.25,000/-.

Notice of Motion.

On the asking of the Court, Mr. Amish Sharma, Asstt. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the fact, however, prays for imposition of costs.

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.

Keeping in mind:

1. The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioners have come forward to face trial and undertakes to appear before trial court on each and every date, thus, their presence would meet ends of justice;
2. The Petitioners for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 25,000/-;
3. The Petitioners are not involved in any other offence;
4. Matter is pending since 2019 and petitioners are ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
5. The petitioners have joined investigation and interim

bail orders stand confirmed;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Order dated 17.11.2022 (Annexure P-5) is set aside and petitioners are directed to appear before trial Court within 15 days and on their doing so, trial Court would release them on bail subject to furnishing of bail bonds and payment of costs of Rs.25,000/-, as agreed, to be deposited with the Punjab and Haryana High Court Bar Association Lawyers Family Welfare Funds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

09.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>