

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

(123)

CRM-M-15723-2023

Date of Decision : July 13, 2023

**Amrik Singh****.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. S.P.S. Sandhu, Advocate, for  
Mr. Jatinder Singh Gill, Advocate, for the petitioner.

Mr. Jaswinder Singh Arora, Deputy Advocate General,  
Punjab.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Present petition has been filed under Section 482 Cr.P.C for setting aside the order dated 24.05.2022 (Annexure P-6) by which, non-bailable warrants of arrest of the petitioner has been issued.

2. Learned counsel for the petitioner argues that the petitioner was arrested in the FIR No.0024 dated 20.02.2020 and thereafter released on bail on 19.03.2020. Learned counsel for the petitioner submits that the petitioner has been appearing on all the hearings before the learned Court but inadvertently, due to some miscommunication between the petitioner and his counsel, there was a confusion qua the next date of hearing.

3. Learned counsel for the petitioner contends that the next date of hearing noted by the petitioner was 26.05.2022 whereas the actual date was

24.05.2022 and when the petitioner appeared before the learned Court on 26.05.2022, he came to know that the impugned order has already been passed against him and warrants have been issued to secure his presence.

4. Learned counsel for the petitioner submits that the said inadvertent default is only due to miscommunication between the petitioner and his counsel and henceforth, the petitioner will attend all the hearings without any fail unless and until granted exemption by the competent Court.

5. Notice of motion.

6. Mr. Jaswinder Singh Arora, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

7. Learned State counsel, on the instructions from HC Gagandeep Singh, does not dispute that the petitioner has been appearing on all the hearings except on the date when the impugned order was passed.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. Though, the Court was competent to pass the impugned order as the petitioner failed to appear but keeping in view the fact that the petitioner is alleging that the said default was inadvertent and not intentional, by giving him a benefit of doubt, the prayer of the petitioner is accepted and the impugned order dated 24.05.2022 (Annexure P-6) is set aside with the clear instructions that in case the petitioner surrender before the competent Court within a period of next ten days, he be extended the benefit of bail.

10. At this stage, learned State counsel submits that the petitioner is already behind the bars in an another case, hence, in case any application is filed for production of the petitioner, he will be produced in compliance of

the present order. Let the Court seek his presence by issuing appropriate order and pass appropriate orders keeping in view the present order passed in the present petition, in case any application is moved by the petitioner so as to comply with the present order passed by this Court.

11. The present petition is allowed in above terms.

**July 13, 2023**

*harsha*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No