

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

CRM-M-19448-2023

Date of Decision: April 20, 2023

GURPAL SINGH AND ANR

..... Petitioners

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harjinder Singh, Advocate for
Mr. A.S. Khinda, Advocate for petitioners.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of order dated 06.01.2023 whereby non-bailable warrants have been issued against the petitioners in case CHI/203/22 pertaining to FIR No.94 dated 12.06.2020 registered under Sections 295, 427, 447, 451, 511, 120-B, 148 and 149 IPC, P.S. Chohla Sahib, District Tarn Taran.

2. Having been implicated in the aforementioned FIR, petitioners were granted concession of regular bail and have been thereafter appearing before trial Court but for 06.01.2023, resulting into cancellation of their bail bonds followed by forfeiture of surety bonds and issuance of non-bailable warrants against them.

3. Learned counsel for the petitioners submits that non-appearance of petitioners was unintentional and for bona fide reasons as petitioners were performing religious duty at Gurudwara Sahib in Uttrakhand and Fatehgarh Sahib.

4. Notice of motion.

5. Mr. Tarun Aggarwal, Sr. D.A.G. Punjab who is present in Court accepts notice on behalf of respondent-State, while opposing the petition, learned counsel for respondent submits that the only intention of the petitioners was to delay the proceedings before trial.

6. I have heard learned counsel for parties and gone through paper-book. I find substance in submissions made on behalf of petitioners.

7. I do not find any reasonable apprehension to disbelieve the stand taken by petitioners of their having been performing religious duties in Gurudwara Sahib in Uttarakhand and Fatehgarh Sahib on the relevant date, considering the aforesaid, order dated 06.01.2023 passed by trial Court is ordered to be set aside with direction to petitioners to surrender before trial Court on or before next date of hearing i.e. 28.04.2023 and submit their fresh bail bonds/surety bonds which shall be accepted by trial court. The petitioners shall also submit an undertaking before the Court concerned that they shall continue to appear during trial unless granted exemption specifically.

9. However, the above order shall be subject to payment of cost of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh within a period of one week from today.

20.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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

