

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-27795 of 2023
Date of Decision:31.05.2023.

M/s Jai Sri Radhey Stone Crusher Company and another

.....Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Ankush Bharti, Advocate for
Ms. Ashmita Goel, Advocate
for the petitioners.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition preferred under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for setting aside the order dated 09.01.2023 (Annexure P-6) passed by the Judicial Magistrate First Class, Gurugram, vide which warrants of arrest have been ordered to be issued to procure the presence of the present petitioner.
2. The petitioner is an accused in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. Vide order dated 09.01.2023, warrants of arrest were issued to procure the presence of the petitioner sinceailable warrants had been received back un-executed.
3. Learned counsel for the petitioner submits that the petitioner is willing to submit to the jurisdiction of the trial Court, but apprehends that in the meantime the warrants of arrest may be executed and the petitioner may be arrested.

In the considered opinion of this Court, the apprehension is unfounded as the warrants of arrest are issued only for procuring the presence of the petitioner. However, since the petitioner is willing to submit to the jurisdiction of the trial Court, the present petition is disposed of with a direction to the petitioner to submit to the jurisdiction of the trial Court on 09.07.2023, which is the date fixed before the trial Court. Till then, the warrants of arrest shall not be executed against the petitioner. However, if the petitioner does not appear before the trial Court on 09.07.2023, it would be open for the trial Court to proceed in accordance with law.

May 31th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*