

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shiv C. Bhola, Advocate
for the petitioners.

Ms. Navreet Kaur Barwala, AAG, Punjab.

HARPREET SINGH BRAR, J.

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 03.08.2023 (Annexure P-5) passed by the learned Sub Divisional Judicial Magistrate, Rupnagar, whereby, non-bailable warrants of arrest has been issued against the petitioners in a case bearing FIR No.36 dated 04.04.2020 for the offence under Sections 61/1/14 of Punjab Excise Act, 1914 registered at Police Station Anandpur Sahib, Rupnagar, District Rupnagar, Punjab.

Learned counsel for the petitioners *inter alia* contends that the petitioners was granted bail vide order dated 13.08.2020, thereafter, the challan was presented in this case on 15.02.2023 and the case was fixed for supplying copies of the challan to the accused for 05.05.2023. On 05.05.2023, the bail bonds/surety bonds of the other accused have been accepted and the petitioners were ordered to be summoned through fresh notice for 03.08.2023 and on 03.08.2023, the petitioners were ordered to be summoned by non-bailable warrants of arrest. Copy of the impugned order dated 03.11.2023 is appended

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with the petition as Annexure P-5.

Learned counsel for the petitioners further contends that the petitioners are ready and willing to submit themselves to the jurisdiction of the learned trial Court and face the trial. The offence in which the FIR is registered is bailable.

Notice of motion.

Ms. Navreet Kaur Barwala, AAG, Punjab puts in appearance on receipt of advance notice of the present petition.

The sole purpose of issuance of non-bailable warrants is to secure the presence of the accused. The petitioners in the present case have themselves came forward and have undertaken to appear before the learned trial Court on each and every date.

Accordingly, the present petition is allowed. The impugned order dated 03.08.2023 vide which the non-bailable warrants of arrest have been issued against the petitioners is set aside. The petitioners are directed to appear before the learned trial Court on or before 14.11.2023 and on their doing so, the learned trial Court shall admit them to the bail on their furnishing fresh bail bonds/surety bonds along with Rs.5,000/- as costs, for wasting the precious time of the Court to be deposited with the District Legal Services Authority, Rupnagar.

Disposed off in above terms.

(HARPREET SINGH BRAR)
JUDGE

06.11.2023
Neha

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