

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M-58800-2023 (O&M)

Date of decision: 28.11.2023

Sonu Mandal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Vrishank Suri, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

1. This is a petition under Section 482 Cr.P.C. seeking quashing of orders dated 04.08.2023 (Annexure P-8) and 12.10.2023 (Annexure P-9), whereby non-bailable warrants have been issued against the petitioner to secure his presence in case FIR No.158 dated 31.08.2020, under Section 379-B IPC, registered at Police Station Sarabha Nagar, Ludhiana.

2. Learned counsel for the petitioner submits that petitioner was granted regular bail vide order dated 15.10.2020 (Annexure P-2) and had been regularly appearing before the trial Court. The charges in the above captioned case were framed on 21.07.2022 (Annexure P-3). The prosecution witnesses were not appearing despite bailable warrants

having been issued to them. On account of noting down a wrong date, the petitioner failed to appear before the Court on 12.10.2023. On account of said default in appearance, the presence of the petitioner was ordered to be secured by non-bailable warrants. Pursuant to the said warrants, petitioner is to now appear on 15.12.2023. It is submitted that petitioner has no intention to evade the due process and his absence before the trial Court is purely on account of the aforesaid reason. It is further submitted that no separate order has been passed cancelling the bail order but due to issuance of non-bailable warrants, the same stands eclipsed as of now. The petitioner is ready and willing to appear before the Court and join proceedings.

3. Notice of motion.

4. Mr. G.S. Sidhu, AAG, Punjab, accepts notice on behalf of the respondent-State and waives service.

5. Heard learned counsel for the parties.

6. In view of the above, the instant petition is disposed of with a direction to the petitioner to appear before the trial Court on or before 15.12.2023. Till then, no coercive steps be taken against the petitioner.

7. Subject to appearance before the trial Court pursuant to this order, the impugned orders dated 04.08.2023 (Annexure P-8) and dated 12.10.2023 (Annexure P-9) qua the petitioner shall stand quashed.

8. Needless to observe that in case the petitioner fails to comply with the above said direction, this order shall stand recalled under Section 362 read with Section 482 Cr.P.C. without any reference to this Court.

9. Petition is disposed of with the aforesaid observations.

November 28, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No