

107

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

CRM-M-2199-2024
Date of decision: 15.01.2024

Gurmeet Singh @ Meet Hayer and others

...Petitioners

Versus

State of UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ferry Sofat, Advocate for the petitioners.

Mr. Manish Bansal, Advocate, PP UT Chandigarh with
Mr. Navjit Singh, Advocate and
Mr. Ankush Singla, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 16.12.2023 (Annexure P-16) passed by the Chief Judicial Magistrate, Chandigarh whereby the Court has cancelled the bail granted to the petitioners and has ordered the issuance of non-bailable warrants to secure the attendance of the petitioners in case numbered PCH/4637/2021 titled as “State of UT, Chandigarh Vs. Gurmeet Singh and others” in FIR No.324 dated 24.10.2020 registered under Section 188 of Indian Penal Code, 1860 at Police Station Sector 39, Chandigarh.
2. Learned counsel for the petitioners has submitted that all the petitioners have respect for the judicial proceedings and on 16.12.2023, on

account of their pre-occupation, they had moved applications for exemption which have been rejected and non-bailable warrants have been issued and the case is now fixed for 03.02.2024. It is further submitted that the petitioners undertake to appear before the trial Court on 03.02.2024 and also on the date further fixed by the trial Court as only statements of the petitioners under Section 313 Cr.P.C. are to be recorded. It is also contended that although, on earlier occasion also, the petitioners had sought exemptions but on account of the said fact, the trial has not been delayed and for the said purpose, reference has been made to the zimni orders which have been annexed along with the present petition. It is further submitted that the offence under Section 188 of IPC is a bailable offence.

3. Learned counsel appearing on behalf of respondent Nos.1 and 2 has submitted that respondent Nos.1 and 2 only pray that the petitioners should appear on 03.02.2024 or on the next date so that the statements of the petitioners be recorded under Section 313 Cr.P.C. and the matter does not get delayed any further.

4. This Court has heard learned counsel for both the parties and has perused the paper book.

5. It is not in dispute that the petitioners had moved specific applications seeking exemption of appearance on 16.12.2023 and the same were rejected and on the same date, non-bailable warrants were issued and notice was issued to the sureties. The case is now stated to be listed for 03.02.2024. The petitioners have undertaken to appear on 03.02.2024 and also to get their statements recorded under Section 313 Cr.P.C. and also in case, the case is adjourned to any further date, the petitioners undertake to appear

till the time their statements under Section 313 Cr.P.C. are not recorded. The whole purpose, as also stated by the counsel appearing on behalf of respondent Nos.1 and 2, is to secure the presence of the petitioners before the trial Court for the purpose of recording their statements under Section 313 Cr.P.C. Also, the offence under Section 188 of IPC is a bailable offence.

6. Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 16.12.2023 is set aside subject to the condition that the petitioners would appear before the trial Court on 03.02.2024 to get their statements recorded under Section 313 Cr.P.C. and in case for any reason the matter is adjourned, they would also appear on the adjourned date till the time their statements under Section 313 Cr.P.C. are not fully recorded. In case, the petitioners appear on the next date of hearing before the trial Court on 03.02.2024 then the petitioners would be released on bail on the same surety bonds as were earlier given by the petitioners.

15.01.2024
Pawan

(VIKAS BAHL)
JUDGE

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