

121

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

CRM-M-8476-2024

Date of Decision: 16.02.2024

Kulwinder Kumar and another

...Petitioners

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Anshul Shama, Advocate with
Mr. S.S.Thakur, Advocate, for the petitioners.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 22.12.2023 (Annexure P-5), passed by the Court of Additional Sessions Judge, Jalandhar in case No.SC/499/2023 titled as Kulwinder Kumar and Manoj Kumar alias Monu Vs. Punjab State in FIR No.40 dated 25.05.2023 under Sections 457, 380, 379, 411 of IPC (Sections 379-B and 120-B of IPC added later on), registered at Police Station Nurmahal, District Jalandhar, whereby the non-bailable warrants have been issued against the present petitioners.

2. Learned counsel for the petitioners contends that in the present case, the FIR was ordered to be registered against them on 25.05.2023 and thereafter, the petitioners were granted the concession of regular bail by the Court of Additional Sessions Judge, Jalandhar on 27.10.2023 (Annexure P-2). He further contends that since both the petitioners were real brothers and are poor persons, therefore, they could not furnish the bail bonds and prayed for extension of time for arranging the surety/bail bonds. The prayer of the petitioners was accepted and vide order dated 14.12.2023 (Annexure P-4), the

Court of Additional Sessions Judge, Jalandhar directed the petitioners to furnish the surety bonds on or before 22.12.2023. Learned counsel further contends that till 22.12.2023, they could not arrange the surety bonds and non-bailable warrants were ordered to be issued against them. Learned counsel further contends that the petitioners are ready to appear before the trial Court and will furnish the bail bonds/surety bonds before the trial Court.

- 3. Notice of motion.
- 4. Mr. M.S.Bajwa, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State
- 5. I have heard learned counsel for the parties and perused the record.
- 6. Taking a lenient view of the present case, the petitioners are permitted to furnish bail bonds/surety bonds, within a period of two weeks from today. Since the petitioners are poor persons, the amount of bail bonds / surety bonds is reduced to the amount of Rs.20,000/- each. On their appearance and furnishing the bail bonds/surety bonds in the sum of Rs.20,000/- each, the petitioners will be admitted to bail by the trial Court. However, the petitioners shall file an affidavit before the trial Court that they shall appear on each and every date of hearing and shall not absent during the trial, without prior permission of the trial Court. The trial Court shall also be at liberty to impose such conditions, as it may deem fit an appropriate in the peculiar facts and circumstances of the case.
- 7. The present petition is allowed, with the above terms.

16.02.2024.
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(N.S.SHEKHAWAT)
JUDGE

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