



CRM-M-13777-2024

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

**CRM-M-13777-2024
Date of decision: 12.09.2024**

NARINDER SINGH**....Petitioner**

Versus

STATE OF PUNJAB**....Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Bakul Garg, Advocate for
Mr. Chahit Bansal, Advocate
for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 24.11.2023 (Annexure P-3) and order dated 20.12.2023 (Annexure P-4) in case FIR No.100 dated 25.07.2017 registered under Section 61 of the Punjab Excise Act, 1914; Section 473 IPC 1860 and Sections 25 and 27 of the Arms Act, 1959, whereby non-bailable warrants of the petitioner were issued as well as the order dated 06.01.2024 (Annexure P-5) and order dated 15.02.2024 (Annexure P-6) whereby the learned Trial Court had issued proclamation warrants against the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that in



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compliance of the order dated 18.03.2024, petitioner appeared before the learned trial Court on 22.03.2024 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 22.03.2024 passed by learned Judicial Magistrate 1st Class, Malerkotla. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 24.11.2023 (Annexure P-3) and order dated 20.12.2023 (Annexure P-4) vide which the non-bailable orders of the petitioner were issued as well as the order dated 06.01.2024 (Annexure P-5) and order dated 15.02.2024 (Annexure P-6) whereby the learned Trial Court had issued proclamation warrants against the petitioner, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 22.03.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 18.03.2024:-

“1. The present petition has been preferred under Section 482 CrPC for quashing of impugned order dated 24.11.2023 (Annexure P-3) and order dated 20.12.2023 (Annexure P-4) in FIR No.100 dated 25.07.2017 registered under Section 61 of the Punjab Excise Act, 1914; Section 473 IPC 1860 and Sections 25 and 27 of the Arms Act, 1959, vide which the non-bailable warrants of the petitioner were issued as well as order dated 06.01.2024 (Annexure P-5) and order dated 15.02.2024 (Annexure P-6) whereby the learned trial Court had issued proclamation warrants against the petitioner.

2. Learned counsel for the petitioner inter alia submits that the petitioner after having been granted bail in the aforesaid FIR had been regularly appearing in the trial Court in case



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titled as 'State of Punjab Vs. Manjinder Singh s-o Jarnail Singh' CIS No.CHA-155-2020. However, on 29.09.2023, the petitioner could not appear in the Court as he was suffering from Dengue and moved an application for exemption of his personal appearance, which was declined by the learned Court and he was ordered to be served throughailable warrants of arrest. Thereafter on 24.11.2023, the petitioner could not appear in the Court due to another case having been falsely registered against him leading to cancellation of his bail bonds and issuance of non-ailable warrants of arrest. He submits that the case is now pending for 24.04.2024 for service of the petitioner through proclamation. It is submitted by learned counsel for the petitioner that in the meanwhile, a compromise had been effected between the petitioner and the complainant in other case FIR No.157 dated 21.11.2023, registered at P.S. City Dhuri, District Sangrur qua which quashing petition bearing CRM-M-10868-2024 had been filed (Annexure P-7). He submits that the absence of the petitioner was not intentional but due to the aforesaid reasons and he is ready to appear in the trial Court.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Harpreet Singh, Additional AG Punjab accepts notice on behalf of respondent-State.*

5. *List on 05.04.2024.*

6. *In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate, subject to deposit of cost of Rs.5,000/- by the petitioner with the Poor Patients Welfare Fund, PGIMER, Chandigarh. Receipt thereof be produced before learned trial Court at the time of appearance. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law."*

6. Keeping in view the fact that the petitioner has already appeared on 22.03.2024 before the learned trial Court and furnished



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requisite bail/surety bonds consequent to the order dated 18.03.2024, passed by this Court, the present petition is allowed and order dated 24.11.2023 (Annexure P-3) and order dated 20.12.2023 (Annexure P-4) vide which the non-bailable warrants of the petitioner were issued as well as the order dated 06.01.2024 (Annexure P-5) and order dated 15.02.2024 (Annexure P-6) whereby the learned Trial Court had issued proclamation warrants against the petitioner are hereby set aside and the interim bail granted vide order dated 18.03.2024 is hereby confirmed.

7. The Petition stands disposed of.

12.09.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |