

CRM-M-26709-2022 (O&M)

288 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26709-2022 (O&M)

Date of Decision: 06.02.2024

Don Bhatti and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thakur, Advocate for the petitioners.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA, J. (Oral)

CRM-21884-2022

Application for grant of leave is allowed as prayed for.

Main case

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 28.04.2022 (Annexure P-3) passed by the court of Chief Judicial Magistrate, Jalandhar, whereby bail of the petitioner was cancelled, followed by issuance of non-bailable warrants against him, in case FIR No.123, dated 18.05.2020, under Sections 160, 147, 148, 149, 188 IPC and Section 61, 1, 14 of the Punjab Excise Act, 1914 and Section 3 of the Epidemic Diseases Act, 1897, registered at Police Station Division No.6, District Jalandhar Commissionerate.

2. On 16.06.2022, this Court passed the following order:-

“Inter alia contends that the petitioners had been released on personal bonds on 13.09.2021 with a direction to furnish surety bonds on the next date of hearing. The needful was not done on 28.04.2022 and neither they were present. The medical

CRM-M-26709-2022 (O&M)

certificate was not attached to the exemption application and due to which, the bail order was cancelled and non-bailable warrants were issued for 12.05.2022.

It is submitted that the FIR is under Sections 160, 147, 148, 149, 188 of the IPC, and Section 61/1/14 of the Punjab Excise Act, 1914 and Section 3 of the Epidemic Diseases Act, 1897, which was registered at Police Station Division No. 6, District Jalandhar Commissionerate, and the petitioners have no other case as such against them. Counsel submits that the petitioners shall appear within a period of ten days from today to comply with the orders of the trial Court.

Notice of motion for 11.07.2022.

Mr. Amar Ashok Pathak, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Keeping in view the above, if the petitioners appear on 05.07.2022 at 10.00 a.m. before the Court concerned and furnish the adequate surety bonds, they need not be taken into custody as such, and the non-bailable warrants would remain suspended.”

3. Learned counsel for the petitioners points out that in pursuance thereof, the petitioners appeared before the Court concerned on 05.07.2022 and furnished their bail bonds/surety bonds to its satisfaction and are continuously participating in the proceedings.

4. In view thereof, the present petition is allowed and order dated 16.06.2022 passed by this Court, is hereby made absolute.

06.02.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no