

Kuldeep Singh

...Petitioner

Versus

State of Haryana and another

....Respondents

**BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Rajnikant Upadhyay, Advocate for the petitioner.

Mr. Sandeep K. Dagar, DAG, Haryana.

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**NIDHI GUPTA, J. (ORAL)**

Mr. Parveen Sharma, Advocate, puts in appearance and has filed Power of Attorney on behalf of respondent No.2. The same is taken on record.

Prayer in the present petition is for quashing the impugned order dated 04.07.2023 (Annexure P-7) whereby non-bailable warrants have been issued against the petitioner in complaint bearing No.3 dated 05.08.2022 under Sections 323, 325, 354-B, 452, 376, 307, 166, 218 of IPC and 8 & 12 of POCSO Act.

On the last date of hearing, a Co-ordinate Bench of this Court has passed the following order:

*“Learned counsel for the petitioner, inter-alia, contends that vide order dated 03.06.2023 (Annexure P-4), the petitioner had been summoned for 04.07.2023 in the Complaint Case for committing the offences under Sections 166 and 218 IPC but vide the impugned order (Annexure P-7) as passed on the said date, the trial Court wrongly issued the non-bailable warrants against him while observing that he had failed to appear in the Court despite the notice having duly been served to him whereas, in fact, he (petitioner) had moved*

*application Annexure P-5 on that very day for seeking the relief of regular bail as both the above-said offences are bailable.*

*Notice of motion.*

*Mr. Kirpal Singh Thakur, learned Assistant Advocate General, Haryana, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice.*

*Notice be issued to respondent No.2 for 30.10.2023 through ordinary process, email or any other electronic mode.*

*The operation of the impugned order shall remain stayed till the next date of hearing”.*

In view of the above as also in view of the fact that Sections 166 and 218 of the IPC are bailable offences, the petitioner is directed to appear before the learned trial Court within two weeks from the date of receipt of certified copy of this order and file an application for bail. On doing so, the learned trial Court shall release the petitioner on bail subject to his furnishing adequate bail bonds to its satisfaction.

Accordingly, the petition is disposed of with the above said observations.

**March 05, 2024**

*ps*

**(NIDHI GUPTA)**  
**JUDGE**

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