

2024-PHHC-125861



CRM-M-47480-2024

Date of Decision: 23.09.2024

SUNIL KUMAR ALIAS NANKE AND OTHERS ...Petitioners
Vs.

STATE OF PUNJAB ...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amritpal Singh Sohal, Advocate
 for the petitioners.

SANDEEP MOUDGIL, J. (Oral)

The present petition under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing the impugned order dated 15.06.2024 (Annexure P-2) passed by Ld.Judge, JMIC/Mohali (SAS Nagar) whereby non- bailable warrant has been issued to the petitioners in FIR no.45 dated 18.04.2021 under Section 188 of IPC of 1860, registered at Police Station Phase 11, District SAS Nagar, Mohali, Punjab (Annexure P- 1).

2. Learned counsel for the petitioner contends that the petitioner is working as a waiter in the tavern (*ahata*) and was not aware of the cause of proceedings before the Courts, and had no intention to cause willfull disappearance before the trial Court on account of which non-bailable warrants had been issued against him on 15.06.2024. Anyhow, he undertakes that the petitioner is ready and willing to surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

3. Notice of motion.



4. On the asking of the Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

5. Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

6. In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

7. However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

8. In view of the above, order dated 15.06.2024, Annexure P-2 is quashed and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

23.09.2024

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