

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

CRM-M-50362-2023

Date of decision: 18.03.2024

Ajay Ram and another

....Petitioner

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Satnam Singh Thakur, Advocate,
for the petitioners.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Short reply dated 18.03.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Kartarpur, Jalandhar (Rural), on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition under Section 482 Cr.PC, the petitioners have sought quashing of impugned order dated 09.08.2023 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar in CHA No.132 of 2023 titled as '*State of Punjab Vs. Vijay Ram etc.*' arising out of FIR No.134 dated 19.10.2022 under Sections

25, 29 and 30 of the Arms Act registered at Police Station Maqsudan, Jalandhar. Relevant part of the order reads as under: -

'2. It is, inter alia, contended by learned counsel for the petitioners that the petitioners were granted concession of bail in the present case. However, thereafter the petitioners could not appear on 20.05.2023, as they had wrongly noted the date being migratory labourers, resulting in cancellation of their bail and issuance of non-bailable warrants of arrest. He submits that the case is pending trial for 06.10.2023 and the petitioners are ready to join the trial. He further submits that as the absence of the petitioners from the trial was not intentional, as such they be protected.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG Punjab accepts notice on behalf of respondent-State. She on instructions from ASI Surjit Singh submits that the petitioners have not yet been declared as proclaimed offender in the case and the case is pending before the Court of learned JMIC, Jalandhar for 06.10.2023. She seeks time to file short reply in the matter.

5. Reply, if any, be filed on or before the next date of hearing with an advance copy to the counsel opposite.

6. In the meanwhile, petitioners are directed to surrender before the Trial Court/Duty Magistrate concerned on 06.10.2023. In that event, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioners will also furnish a specific undertaking that in future they will appear on each and every date of hearing without fail and only in case of extreme exigency will they seek exemption from the Court in accordance with law. They shall

also abide by conditions as envisaged under Section 438(2) Cr.P.C.

7. *Adjourned to 08.11.2023.'*

3. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners have already appeared in the Trial Court on 06.10.2023 and joined the proceedings in compliance to the order dated 05.10.2023 passed by this Court.

4. Perusal of the case file reveals that the petitioners had preferred the present petition on account of passing of the impugned order dated 09.08.2023 (Annexure P-3) (*supra*) wherein on account of their non-appearance on 20.05.2023, non bailable warrants had been issued qua them consequent upon cancellation of the bail bonds. The petitioners have now joined the proceedings in the Trial Court and furnished the interim bail bonds.

5. Learned State counsel informs the Court that the petitioners had joined the investigation and are neither required for further investigation nor for any custodial interrogation.

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 05.10.2023 passed by this Court, interim bail granted vide order dated 05.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioners are directed to join investigation as and

when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. With these observations, impugned order dated 09.08.2023 passed by learned Judicial Magistrate Ist Class, Jalandhar (*supra*) is hereby set aside and the instant petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.03.2024
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(SANJIV BERRY)
JUDGE

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