

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

Date of decision: 21.10.2024

....Petitioner

Versus

....Respondent

Petitioner-Ayush Rastogi has filed the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking exercise of inherent jurisdiction of this Court in quashing the impugned order dated 13.08.2024 (Annexure P-4) passed by Learned Judicial Magistrate 1st Class, Rajpura vide which his non-bailable warrants of arrest have been issued in FIR No.285, dated 23.12.2021, under Sections 406, 420 and 120-B IPC, registered at Police Station City Rajpura District Patiala, with the prayer that aforesaid impugned order may be quashed, since he is ready to face the trial.

2. Learned counsel for the petitioner argued that he is falsely involved in the aforesaid FIR. He had filed application for anticipatory bail which was allowed vide order dated 06.12.2022 (Annexure P-2). Challan was presented in his absence and for this reason, summons were issued to the petitioner and his mother. Learned counsel for the petitioner has placed on record copies of zimni orders as Annexure P-3, according to which,



challan was presented on 03.05.2023. Thereafter, he was ordered to be issued through bailable warrants on various dates i.e. 02.09.2023, 08.11.2023, 03.01.2024, 04.03.2024, 14.05.2024, 12.07.2024 and on all occasions, bailable warrants received back unexecuted and finally his arrest warrants were ordered to be issued vide order dated 13.08.2024 (Annexure P-4) for 21.09.2024 and again process has been issued from 21.09.2024 for 07.11.2024 Annexure P-5. It is argued that mother of the petitioner was sick, therefore, petitioner could not appear in the Court from Jaipur. There is no intentional absence on his part. He is ready to face the trial and will appear before the trial Court regularly.

3. I have considered the aforesaid factual position. Trial in this case is at initial stage. Present petitioner is ready to face trial. Process is being issued from time to time to procure the service of the petitioner. Earlier, he was granted relief of anticipatory bail.

Considering the aforesaid factual position, lenient view is taken and petitioner is directed to appear before the trial Court on or before the next date of hearing i.e. up to 07.11.2024 and be released on bail to the satisfaction of trial Court. On failure to comply with this order, trial Court may proceed as per law.

4. Accordingly, present petition is disposed of.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

21.10.2024

monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |