



CRM-M-59895-2024

-1-

**122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59895-2024

Date of Decision: 29.11.2024

Jaspal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harjot Singh Bedi, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 04.11.2024 (Annexure P-5) passed by learned JMIC, Mukerian, whereby, non-bailable warrants of arrest have been issued against the petitioner and also the impugned order dated 13.11.2024 (Annexure P-8) passed by learned JMIC, Mukerian, vide which application filed by the petitioner to recall the order and convert the non-bailable warrants into summons in FIR No.137, dated 27.09.2020 under Sections 304-A, 337, 338, 427, 279 IPC registered at Police Station Mukerian, District Hoshiarpur, has been dismissed.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted bail by learned trial Court and thereafter, he was regularly appearing before it. He submits that on 26.09.2024, 15.10.2024, 16.10.2024 and 04.11.2024, due to different reasons, the petitioner could not appear before the trial Court and thus, on 04.11.2024 he was ordered to be summoned through non-bailable warrants. He submits



CRM-M-59895-2024

-2-

that thereafter, he filed an application for recalling the order dated 04.11.2024, which was also illegally dismissed by learned trial Court. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has further submitted that the learned trial Court has rightly passed the order dated 04.11.2024 as, he failed to appear before it on various dates of hearing.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that on account of alleged different reasons, the petitioner failed to appear before the trial Court on various dates of hearing and due to which the petitioner was ordered to be summoned through non-bailable warrants vide order dated 04.11.2024. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 04.11.2024 is set aside subject to payment of Rs.10,000/- as cost to be paid to Rs.10,000/- as costs to be paid to Punjab and Haryana High Court Bar Association, Chandigarh by the petitioner within period of seven days from today.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application

alongwith copy of the receipt of costs and the trial Court would admit him to bail during the pendency of the present case to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to her and the order dated 04.11.2024 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

29.11.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No