

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

124

CRM-M-59845-2024

Date of Decision : November 29, 2024

SURAJ ALIAS ROFFI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for setting aside the order dated 11.10.2024 (Annexure P-4), as passed by the learned Judge, Special Court, Gurdaspur, and whereby, non bailable warrants of arrest have been issued against the petitioner and notice has also been issued to surety.
2. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was *bona fide*. What led to the petitioner remaining unrepresented before the learned trial court on the relevant date, was that, he inadvertently noted down wrong next date of hearing.
3. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the impugned order (Annexure P-4), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Although this Court does not find any illegality or perversity in the impugned order (Annexure P-4), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind issuance of “nonailable warrants of arrest”, which is in fact to secure the presence of an accused for facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court within 10 days from today. In case, the petitioner appears within the above stipulated period and furnishes fresh bail/surety bonds to the satisfaction of the learned trial Court, he shall be released on regular bail. The operation of the impugned order (Annexure P-4) shall remain stayed for the next 10 days.

5. However, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. It is also clarified that this order does not cause any impediment for the learned trial Court concerned to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.

7. Disposed of accordingly.

November 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No