

2024:PHHC:168937



125.

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

CRM-M-62434-2024

Date of decision: 17.12.2024

Faariyad Ali @ Fariyad Deen and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the present petition filed under Section 528 of B.N.S.S., 2023 is for quashing the order dated 20.11.2024 (Annexure P-7) passed by learned Judicial Magistrate Ist Class, Dasuya, whereby non-bailable warrants have been issued against the petitioners in FIR No.123, dated 13.05.2015, under Sections 452, 323, 324, 148, 149, 427, 506 of IPC, Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioners has submitted that the petitioners were under the impression that since the matter has been compromised between the parties, the proceedings have come to an end. Their statements were recorded in 2020 and thereafter, they failed to keep in contact with their counsel before the learned trial Court. It has been submitted that the petitioners are gujjar by profession and they keep on moving from one place to another. Now vide impugned order, non-bailable

warrants have been issued against the petitioners. Their absence before the trial Court is neither intentional nor wilful. Learned counsel has further submitted that the petitioners are still willing and ready to appear and surrender before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioners be protected till their appearance before the trial Court, and directions be given to the trial Court that their bail application(s), which they would be filing on their surrender, be decided expeditiously.

Learned counsel for the petitioners, however, submits that since petitioner No.1 has already appeared before the trial Court, she seeks to withdraw present petition qua petitioner No.1.

Present petition qua petitioner No.1 stands dismissed as withdrawn.

Notice of motion.

Mr. H.S. Deol, Senior DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Raman Kumar, Advocate, has caused appearance on behalf of respondents No.2 to 4 and has filed Memo of Appearance, which is taken on record.

In view of the limited prayer made by learned counsel for the petitioners, the instant petition is disposed of with the following directions:

Petitioners No.2 to 8 are to appear and surrender before the trial Court within 07 days from today. Till then, no coercive steps be taken against them. This is contingent upon petitioners No.2 to 8 paying a cost of Rs.5,000/- to be

deposited with the District Legal Services Authority concerned.

It is made clear that in case, petitioners No.2 to 8 fail to surrender before the trial Court within 07 days from today, this order shall be of no avail to them, thereafter. In case, on appearance and surrender, the petitioners move an application for bail, the trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

December 17, 2024
sanjeev

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