HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8166/2024

Narayan Singh S/o Late Shri Gulla Ram, Aged About 71 Years, R/o Neta Wali Dhani, Rainwal, District Jaipur (Rajasthan).

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr. Devendra Kumar Chauhan
For Respondent(s)	:	Mr. Manvendra Singh, PP

JUSTICE ANOOP KUMAR DHAND

Order

05/12/2024

1. The instant petition has been filed against the impugned order dated 25.09.2024 passed by the Additional Chief Judicial Magistrate, Kishangarh-Renwal, District Jaipur as well as against the order dated 26.11.2024 passed by the Additional Sessions Judge No.1, Sambharlake, District Jaipur by which the application under Section 72(2) BNSS as well as the revision petition submitted by the petitioner have been rejected.

2. Counsel for the petitioner submits that the petitioner is facing trial for the offences under Sections 420, 406 and 120-B IPC and he was regularly appearing before the Trial Court, but on account of his illness, he remained under treatment in hospital, due to which he could not appear before the Trial Court on 16.05.2024, hence his bail bonds

were forfeited and accordingly, standing arrest warrants were issued against him on 10.06.2024. Counsel submits that the petitioner submitted an application under Section 72(2) BNSS [Section 70(2) Cr.P.C.] for converting his arrest warrants into bailable warrants, but the said application filed by the petitioner has been rejected, hence, under these circumstances, the petitioner has approached this Court with the same prayer.

3. Per contra, learned Public Prosecutor opposed the arguments raised by the counsel for the petitioner.

4. Considering the arguments put forward by the learned counsel for the petitioner and looking to the fact that the petitioner was regularly attending the Court and on account of his illness, he could not appear before the Trial Court on the fateful day i.e. on 16.05.2024, for which his bail bonds were forfeited and accordingly, standing arrest warrants were issued on 10.06.2024, and that the reason for absence of the petitioner was justified and also looking to the age of the petitioner i.e. 71 years and that he is ready to face trial, the instant petition stands allowed.

5. The impugned order dated 25.09.2024 passed by the Additional Chief Judicial Magistrate, Kishangarh-Renwal, District Jaipur stands quashed and set aside and in consequence thereof, the order dated 26.11.2024 passed by the Additional Sessions Judge No.1 Sambharlake, District Jaipur also stands quashed and set aside.

6. It is directed that in case, the petitioner appears before the Trial Court within a period of 15 days from today, he be released on bail subject to furnishing personal bond and two surety bonds to the satisfaction of the trial Court.

7. The stay application and all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J

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