



392-1

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

CRM-M-3537-2025 (O&M)
Date of decision : 18.02.2025

Rinku Sarna and another

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Sushant Mahajan, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, D.A.G., Punjab.

Ms. Divay Gupta, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS has been moved by the petitioners seeking quashing of the order dated 25.11.2024 passed by learned Sub Divisional Judicial Magistrate, Dera Bassi (Annexure P-1) whereby bail of the petitioners was cancelled and non-bailable warrants of arrest were issued against the petitioners.

2. Learned counsel for the petitioners, *inter alia*, contends that in compliance of the order dated 23.01.2025 passed by this Court, petitioners appeared before the learned trial Court on 04.02.2025 and furnished requisite bail bonds and surety bonds and placed on record copy of order dated 04.02.2025 passed by learned Sub Divisional Judicial Magistrate, Dera Bassi. He contends that since the petitioners had joined the trial Court proceedings, as such, the order dated



25.11.2024 (Annexure P-1) passed by learned Sub Divisional Judicial Magistrate, Dera Bassi whereby bail of the petitioners was cancelled and non-bailable warrants of arrest were issued against the petitioners, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that the petitioners appeared on 04.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 23.01.2025:-

“The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned order dated 25.11.2024 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class in case bearing No.CHI-160-2023 titled ‘State Versus Rinku’ in FIR No.325 dated 10.11.2021 registered under Sections 420, 120-B of IPC at P.S. Dera Bassi,SAS Nagar, Punjab.

2. It is, inter alia, contended by learned counsel for the petitioners that the petitioners, after being granted concession of bail in FIR (Annexure P-2), had been appearing before the learned trial Court in case bearing No. CIS No. CHI-160-2023 titled ‘State Versus Rinku etc.’ and refers to orders (Annexure P-3, Annexure P-4 and other zimni orders) in this regard and submits that the charges were framed on 13.09.2023. He contends that the petitioner had been regularly appearing without fail before the learned trial Court, however, on 25.11.2024, they could not appear before the learned trial Court having been wrongly noted the date leading to learned trial Court cancelling the bail bonds and issuing non-bailable warrants of arrest of the petitioner. He submits that the absence of the petitioner was not intentional as they had been appearing before the learned trial Court throughout without fail. He submits that, in the meanwhile, even the compromise has been effected between the

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complainant and the petitioners vide Annexure P-5 qua which the petition for quashing of the FIR vide CRM-M-3815-2025 has been filed. Hence, the present petition.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix of the case.*

5. *List on 18.02.2025.*

6. *In the meanwhile, the petitioners are hereby directed to appear before the learned Trial Court/Judge on duty on or before 04.02.2025 and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.”*

6. Keeping in view the fact that the petitioners have already appeared on 04.02.2025 before the learned trial Court and furnished their requisite bail/surety bonds consequent to the order dated 23.01.2025, passed by this Court, the present petition is allowed and order dated 25.11.2024 (Annexure P-1), whereby the bail of the petitioners was cancelled and non-bailable warrants of arrest were issued against the petitioners is hereby set aside and the interim bail granted vide order dated 23.01.2025 is hereby confirmed.

7. The Petition stands disposed of.

18.02.2025

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(SANJIV BERRY)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No