



119

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

CRM-M-7726-2025
Date of Decision:- 11.02.2025

VISHNU ALIAS BHUSHAN ALIAS BISHNU DEV AND ORS
....Petitioners
Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Bhriagu Dutt Sharma, Advocate for the petitioners.

Mr. Kewal Singh, Addl. A.G. Punjab

AMARJOT BHATTI, J.

1. Petitioners Vishnu @ Bhushan @ Bishnu Dev, Renu, Happy Gir, Bobby and Hakam Gir have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 16.12.2024 (Annexure P-3) vide which application filed by them seeking exemption was dismissed and petitioners were summoned through non-bailable warrants in *kalandra* dated 28.02.2020 under Sections 427, 323 and 34 IPC (Annexure P-1).

2. Learned counsel for petitioners pointed out that *kalandra* has been presented in FIR No.129 dated 23.08.2016 (Annexure P-1) against present petitioners along with other co-accused. Case is at initial stage. Present petitioners could not appear before the trial Court on account of

unavoidable circumstances and regarding this application for their exemption was also filed and the said application was declined without any justification and their bail bonds and surety bonds were cancelled and forfeited to the State and they were ordered to be summoned through non-bailable warrants. Petitioners are ready to face the trial. Next date fixed in this case is 18.02.2025.

3. On advance notice, Mr. Kewal Singh, Addl. A.G. Punjab appears on behalf of State. He pointed out that case is pending since 2020 and the impugned order dated 16.12.2024 clearly indicates that accused were filing application seeking exemption from time to time as a result till date chargesheet has not been framed. There was lapse on the part of present petitioners. Therefore, impugned order dated 16.12.2024 does not require any interference.

4. I have considered the arguments and have gone through the impugned order dated 16.12.2024 (Annexure P-3) which clearly indicates that every time application seeking exemption was filed on behalf of accused challaned in the said kalandra. This time exemption application was filed by present petitioners. It is rightly pointed out by learned counsel representing State that case is still at initial stage and even chargesheet could not be framed. In light of this, I do not find any irregularity committed by learned Additional Chief Judicial Magistrate, Jalandhar by passing impugned order dated 16.12.2024. Since petitioners are ready to appear before the trial Court on the date fixed, therefore, a lenient view is taken and the impugned order dated 16.12.2024 is set aside subject to the conditions that petitioners will surrender before the trial Court/ Duty Judge

on or before the date fixed subject to deposit of Rs.10,000/- each before District Legal Services Authority, Jalandhar and thereafter, be released on bail to the satisfaction of trial Court/Duty Judge concerned. In case petitioners failed to comply with the aforesaid order then trial Court will proceed as per law.

4. With the aforesaid direction, present petition is, accordingly, disposed of.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

11.02.2025
snd

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