

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3405/2023

Gautam Chand Chopra, R/o 105, Mahaveer Nagar, Pali Marwar.

----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Employee State Insurance Corporation, Through Insurance Inspector (Law), Panchdeep Bhawan, Bhawani Singh Marg, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Mukesh Kumar Saini
For Respondent(s)	:	Mr. Narendra Singh Dhakar-PP

JUSTICE ANOOP KUMAR DHAND

Order

04/05/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 05.05.2023, passed by the Court of Additional Chief Metropolitan Magistrate No. 2, Jaipur Metropolitan-I, by which the application submitted by the accused petitioner under Section 70(2) Cr.P.C., for conversion of his arrest warrant into bailable warrant, has been rejected.
2. Learned counsel for the accused -petitioner submits that the accused-petitioner is facing trial for the offences punishable under Section 85 of the Employees' State Insurance (ESI) Act, 1948 (for short, 'the Act of 1948') before the Court of Additional Chief Metropolitan Magistrate No. 2, Jaipur Metropolitan-I. The allegations levelled against the accused-petitioner is that he has not deposited his contribution under the Act of 1948 with the Competent Authority for the employees working at the

complainant's company/factory. Counsel submits that based on the aforesaid allegations, a complaint under Section 85 of the Act of 1948 was submitted against the accused-petitioner before the Court below where he was facing trial. His bail bonds were forfeited on 07.08.2007 on account of his absence and thereafter, his arrest warrants were also issued. Counsel submits that in the meantime, the accused-petitioner has deposited his contribution under the Act of 1948 with the Regional Office of the Employees' State Insurance Corporation at Jodhpur on 22.05.2019, and a No Objection Certificate has also been issued in this regard, certifying that no dues are outstanding against the accused-petitioner. Counsel further submits that the concerned authority had assured the accused-petitioner that under these circumstances, the prosecution initiated against him before the Court of Additional Chief Metropolitan Magistrate No. 2, Jaipur Metropolitan-I, would be withdrawn. However, the same has not been complied with and till date, the arrest warrants issued against the accused-petitioner are in force. Hence under these circumstances, an application was submitted by the accused-petitioner under Section 70(2) Cr.P.C. for conversion of aforesaid arrest warrant into bailable warrant, but the Court below has rejected the said application vide impugned order dated 05.05.2023.

3. Per contra, learned Public Prosecutor opposed the arguments raised by counsel for the accused-petitioner.
4. Heard and considered the submissions made at Bar and perused the material available on record.
5. Considering the arguments raised by counsel for the accused-petitioner and looking to the fact that the accused-

petitioner has deposited his contribution with the concerned authority, for which NOC has been issued by the Regional Office of Employees State Insurance Corporation at Jodhpur on 22.05.2019.

6. This Court is of the view that the arrest warrant issued against the accused-petitioner is liable to be converted into bailable warrant. The application filed by the petitioner before the Court below under Section 70(2) Cr.P.C. stands allowed and the impugned order dated 05.05.2023, passed by the Court of Additional Chief Metropolitan Magistrate No. 2, Jaipur Metropolitan-I, is quashed and set aside.

7. The accused-petitioner is directed to appear before the Trial Court on or before 18.05.2026.

8. In case, the accused-petitioner appears before the Trial Court and furnishes his personal and surety bonds to the satisfaction of the Trial Court, he shall be released on bail forthwith.

9. It is expected from the Trial Court to decide the pending complaint filed against the accused-petitioner expeditiously, as early as possible, looking to the fact the complaint is lying pending since 2002.

10. Accordingly, the present criminal misc. petition stands allowed. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J