

**CRM-M-156-2025****-2-**

was under the impression that the matter is over as the impugned FIR has been registered under petty offence. It is further submitted that later on the petitioner came to know that his bail bonds/surety bonds have been cancelled and forfeited to the State and without affecting proper and valid service upon him, he has been declared as proclaimed person.

3. Learned counsel appearing for the petitioner submits that the non-appearance of the petitioner was not deliberate and intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned orders are liable to be set aside on the ground of unintentional non-appearance of the petitioner.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Mr. Subhash Godara, Addl.A.G., Punjab with Mr. S.S. Goripuria, DAG, Punjab, who is present in Court, accepts notice for the respondent and submits that the impugned orders have been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. A perusal of the orders dated 16.01.2023 (Annexure P-2) and 12.02.2024 (Annexure P-3) reflect that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner and thereafter, declare him as proclaimed person. Many a times, the accused can

**CRM-M-156-2025****-3-**

be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and wilful absence. The explanation offered for non appearance before the trial Court is justified and, therefore, the same is accepted.

9. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

10. The sole purpose of issuance of non-bailable warrants or proclamation is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned orders dated 16.01.2023 (Annexure P-2) and 12.02.2024 (Annexure P-3), vide which the bail bonds/surety bonds of the petitioner was cancelled and non-bailable warrants were issued and he was declared as proclaimed person, respectively, are hereby set aside.

12. The petitioner is directed to appear before the trial Court within a period of one week from today and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the Poor Patient

Welfare Fund, PGIMER, Chandigarh, for wasting precious time of the Court.

13. The receipt of payment of costs imposed must be presented before the learned trial Court. The learned Court below is directed to grant bail to the petitioner only upon verification of the payment of said costs.

(HARPREET SINGH BRAR)
JUDGE

09.01.2025
Neha

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