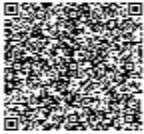


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-3896-2025 (O&M)  
Date of decision: 24.01.2025

Kimti Lal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

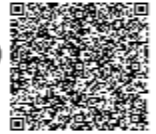
Present: Mr. Sultan Singh Gill, Advocate  
for the petitioner.

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HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [*now Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')*] for grant of anticipatory bail in FIR No.293 dated 07.10.2020 under Sections 18 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Kathunangal, District Amritsar (Rural).

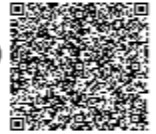
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2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR (*supra*) and his named surfaced only on the basis of disclosure statement of co-accused and after effecting the recovery, the petitioner was apprehended. It is further contended that after his arrest, the petitioner was granted the concession of regular bail by learned Judge, Special Court, Amritsar vide order dated 23.07.2021 (Annexure P-2). The petitioner was regularly appearing before learned trial Court and due to the fact that he met with an accident and his right leg got fractured, he could not appear before learned trial Court on 23.04.2024 and on 21.10.2024, his bail was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrant were issued. Thereafter, the petitioner approached learned trial Court by moving an application seeking anticipatory bail and the same has also been dismissed vide order dated 04.01.2025 (Annexure P-3).

3. Learned counsel for the petitioner further submits that the petitioner is having clean antecedents and is not involved in any other case and he is having two minor children and he only bread earner of his family. It is further submitted that non-appearance of the petitioner was not deliberate and intentional and after the application filed by him for grant of anticipatory bail stands dismissed by learned trial Court vide order dated 04.01.2025, he has approached this Court by way of instant petition.

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4. Learned counsel for the petitioner submits that the petitioner undertakes to appear before learned trial Court on each and every date.

5. Notice of motion.

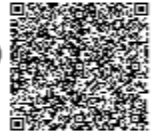
6. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and submits that the order dated 04.01.2025 (Annexure P-3) has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was already on bail and had been appearing before learned trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

8. A perusal of the order dated 04.01.2025 (Annexure P-3) reflects that learned trial Court proceeded to pass the extreme order of cancellation of bail. Many a times, the accused can 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 willful absence. The explanation offered for non-appearance before learned 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

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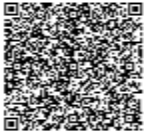
that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be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

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

11. In view of the aforesaid facts and circumstances, present petition is disposed of and the petitioner is directed to appear before learned trial Court within a period of two weeks from today and on his doing so, he shall be admitted to bail on his furnishing same bail/surety bonds to the satisfaction of learned trial Court, along with costs of Rs.5,000/- to be deposited with the All India Pingalwara Charitable Society, Amritsar, for wasting precious time of the Court.

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

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of said costs.

24.01.2025  
*vishnu*

[ HARPREET SINGH BRAR ]  
JUDGE

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