



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

133

CRM-M-5035-2025

Decided on : 29.01.2025

Kashmir Singh @ Sheera

... Petitioners

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPRESENT: Mr. Bhupinder K. Bhangu, Advocate
for the petitioners.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS, 2023, petitioner is seeking quashing/setting aside of order dated 29.11.2024 (Annexure P-4), whereby, bail granted to the petitioner in case FIR No. 0081, dated 03.04.2018, under Sections 21/65/85 of NDPS Act, registered at Police Station Kotwali Kapurthala, District Kapurthala, has been cancelled for his non-appearance before the Trial Court on 29.11.2024, and non-bailable warrants of arrest have been issued qua him.

For reference, impugned order dated 29.11.2024, is reproduced herebelow:

*“Present: Sh. APS Dhillon, Addl. P.P. for the STate.
Accused Kashmir Singh-absent.*

Non-bailable warrants issued against accused Kashmir Singh received back with the report that he was not found in his house. Sarpanch Balvir Kaur is reported that he had gone to some relative and she will inform the accused as and when he will return back. I am satisfied that accused is intentionally avoiding the process of law. Accused Kashmir Singh be summoned through proclamation under Section 82 of Cr.P.C. for 05.04.2025. Serving official shall appear before the Court on 05.03.2025 to give his statement. File be put up on 05.03.2025

Date of order: 18.01.2025

*(Gurmeet Tiwana)
Judge, Special Court,
UID No. PB00249”*



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2. While reading out the impugned order, learned counsel for the petitioner submits that present FIR was registered on 03.04.2018 and since the time of registration of FIR, petitioner has been regularly appearing before the trial Court. Further submits that on account of noticing of wrong date of hearing, petitioner could not appear before the learned Trial Court on 28.10.2024 and therefore bail was cancelled. Thereafter, on 29.11.2024, non-bailable warrants were also issued.

Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor a deliberate act, rather it was due to the reason explained and noticed hereinabove.

4. He further contends that, if one more opportunity is afforded to the petitioner to appear by granting some protection from arrest, subject to the payment of some cost amount also, he undertakes that in all the future proceedings of the present case, he would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

5. Notice of motion.

6. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner was regularly attending



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the proceedings before the learned Trial Court, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, even on payment of some cost amount and by abiding to the terms and conditions.

9. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

10. Therefore, in the totality of circumstances and placing reliance upon the order passed by this Court in the case of **'Hardeep Kumar Saini @ Bhola Vs. State of Punjab'** (CRM-M-737-2025, decided on 10.01.2025), I am of the opinion that by granting the petitioner an opportunity to appear before the trial Court, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

11. Therefore, it is directed that if, petitioner appears on his own before the learned trial Court on or before 14.02.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, the said concession will be subject to the payment of Rs. 10,000/- as costs, to be deposited with the **Guru Nanak Mission Netarheen Bridh Ashram, Saprur Nangal Majjan, G.T. Road, Phagwara, District Kapurthala, Mobile No.96161-00019, 97790-32730, PAN No.AAATG8609F in its bank account detailed as under:**



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i) Punjab National Bank (Banga Road, Phagwara), Account

No.:0820000100225372, IFSC Code:PUNB0082000; OR

ii) Capital Small Finance Bank, Account No.080200001264,

IFSC Code:CLBL0000003

12. It is made clear that the concession of bail would be available to the petitioner only upon furnishing of valid proof of payment of cost amount of Rs.10,000/-, in the aforesaid manner, failing which the present order would be considered as inoperative.

13. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 29.11.2024 (Annexure P-4) and the subsequent orders would become inoperative *qua* the petitioner.

14. **Present petition stands disposed of accordingly.**

(SANJAY VASHISTH)
JUDGE

January 29, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No