

130

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-9573-2025
Decided on : 20.02.2025

Gulab Singh @ Gulaba

Versus

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 12.07.2024(Annexure P-3), whereby the non-bailable warrants have been issued against him (accused), on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
0380	24.12.2020	323,324, 148, 149, 506 IPC	Civil Lines Batala	Batala

2. Learned counsel for the petitioner submits that since the time of registration of the FIR and releasing of him on bail by the Court, on each and every proceeding fixed before the Court, the petitioner had been appearing as per terms and conditions of the bail order. It was only on 12.07.2024, that too on account of some unavoidable reasons, he could not appear before the Court and resultantly, his bail was cancelled and non-bailable warrants were also issued.



Further submits that in case one opportunity is granted to the petitioner to appear before the Court, by protecting him from arrest, the petitioner undertakes that he would never absent himself in future, without there being prior permission from the Court, and would fully cooperate also, for early disposal of the trial.

Also prays that the petitioner be released on bail on the same bail bonds/surety bonds, if not forfeited already by the time of surrendering of the petitioner before the Court.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel further submits that looking at his conduct, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused is declared 'Proclaimed Person'/Proclaimed Offender', after examining the facts, this Court has formulated to apply a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time



would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed 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 litigation, 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.”

Again, this Court has considered the aforementioned similar plea in case ***Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)***.

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date i.e. on 12.07.2024, when impugned order cancelling the bail and issuance of non-bailable warrants has been passed against him. It also cannot be left unnoticed that within six months of the absence from the Court, and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. In the totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the

**CRM-M-9573-2025**

4

petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 07.03.2025.

8. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. 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.

9. However, this order shall be subject to the payment of Rs.10,000/- (Rupees ten thousand only) as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

10. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

20.02.2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**