



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
127 CRM-M-11192-2025
Decided on : 28.02.2025**

Bawa Travels and anotherPetitioners
Versus
State of Punjab and anotherRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sukhbir Maandi, Advocate for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner No.2-Dalbir Singh @ Bawa is running his business of tour and travel in the name and style of Bawa Travels, which has been arrayed as petitioner No.1.
2. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 07.02.2025 (P-3), whereby the application moved by the petitioners seeking exemption from personal appearance was dismissed, resultantly bail order, bail bonds and surety bonds were cancelled and forfeited to the state as well as the order dated 19.02.2025(Annexure P-4), whereby non-bailable warrants have been issued against him (accused), on account of his non-appearance.
3. Learned counsel for the petitioners submits that petitioners are facing proceedings before learned trial Court since the time of appearance in the complaint, which had been filed in the year 2022. During the course of proceedings, evidence of the complainant was recorded and the statement of accused under Section 313 Cr.P.C. was also recorded on 04.04.2024. Counsel further submits that petitioner had requested for his own examination as defence witness under Section 315



Cr.P.C, which was allowed, however, on account of serious illness of petitioner No.2, he could not appear before the trial Court and the application for seeking exemption from personal appearance was dismissed, resultantly, his bail was cancelled and non-bailable warrants were also issued against him.

4. Counsel further submits that in case one opportunity is granted to petitioners to appear before the Court, by protecting him from arrest, petitioners undertakes that they would never absent themselves in future, without there being prior permission from the Court, and would fully cooperate also, for early disposal of the trial.

5. Notice of motion.

6. Learned State counsel puts an appearance, and opposes the request of petitioners by submitting that petitioners does not deserve any sympathy, because, petitioners have availed 19 effective opportunities for their appearance and misused the concession of bail granted by the Court. Learned State counsel further submits that looking at the conduct of the petitioners, there is no surety that in future, petitioners would not be absent for the purpose of delaying the trial.

7. In number of cases, this Court has been experiencing the situation 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 and applied 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)***.

8. I have considered the submissions of both the sides and examined the relevant material available on record. Petitioner No.2 has remiss in appearing before the Court only on one date i.e. on 07.02.2025, 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 twenty days of the absence from the Court, and on coming to know about passing of the impugned orders, petitioners have moved the present petition, showing his inclination to submit himself before the trial Court.

9. In the totality of circumstances, I am of the view that petitioner No.2 can be given one chance to appear before the trial Court,



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so that proceedings may restart and continue in smooth manner. Accordingly, plea of petitioners is accepted. Impugned orders (supra) are **set aside** to the extent of cancellation of bail and issuance of non-bailable warrants against the petitioners, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 17.03.2025.

10. Petitioner No.2 shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner No.2 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.

11. However, this order shall be subject to the payment of Rs.10,000/- (Rupees ten thousand only) as costs, to be deposited by the petitioners 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.

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

28.02.2025

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(SANJAY VASHISTH)

JUDGE

Whether Speaking/Reasoned: YES/NO

Whether Reportable: YES/NO