



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121 CRM-M-12710-2025
Decided on : 07.03.2025

Kirandeep KaurPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Raghav Goyal Chadiwala, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab
(appeared on advance notice)

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 27.11.2024(Annexure P-3), whereby the non-bailable warrants have been issued against her (accused), on account of her non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
117	08.08.2022	21(b) of NDPS Act	Kabarwala	Sri Muktsar Sahib

2. Learned counsel for the petitioner submits as per allegations in the FIR, 5.5 gms of Heorin including the weight of polythene was recovered from the petitioner. Thereafter, vide order dated 13.09.2022 petitioner was released on bail by learned Additional Sessions Judge, Sri Muktsar Sahib. Counsel submits that since the time of releasing of her on



bail by the Court, on each and every proceeding fixed before the trial Court, the petitioner had been appearing as per terms and conditions of the bail order. It was only on 27.11.2024, that too on account of noting of wrong date of hearing by her counsel, she could not appear before the trial Court and resultantly, her 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 her from arrest, the petitioner undertakes that she would never absent herself 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 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, she has misused the concession of bail granted by the Court. Learned State counsel further submits that looking at her 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, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the 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 has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, 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 in which he is 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 after 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 27.11.2024, when impugned order cancelling the bail and issuance of non-bailable warrants has been passed against her. 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 petitioner, and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 24.03.2025.

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 she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

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

07.03.2025
rashmi

(SANJAY VASHISTH)
JUDGE

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