

2025.PHHC.040355



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

Sr. No.123

**CRM-M-15971-2025 (O&M)
Date of decision : 25.03.2025**

Hardeep Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Himani Kapila, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for quashing the impugned order dated 24.02.2025 (Annexure P3) passed by the learned Addl. Sessions Judge, Hoshiarpur vide which arrest warrants of the petitioner has been issued by cancelling his bail bonds and surety bonds in case FIR No.59 dated 23.07.2024, under Sections 137(2) & 93 of BNS, 2023 (vide order dated 08.01.2025, charge under Sections 137(2), 96 & 351 of BNS, 2023 was framed against the petitioner by the learned Addl. Sessions Judge, Hoshiarpur), registered at Police Station Talwara, District Hoshiarpur.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The present FIR was registered against the petitioner on the statement of the complainant, namely Neelam Kumari that the petitioner has enticed away her daughter on the pretext of performing marriage with her. The petitioner was arrested by police on 10.08.2024 and filed regular bail before the Sessions Court, Hoshiarpur and was granted bail in by the said Court vide order dated 21.11.2024 (Annexure

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P2). The petitioner was regularly appearing before the learned trial Court and he never misused the concession of bail. She further submits that on 24.02.2025, the petitioner could not appear before the learned Sessions Court, Hoshiarpur and thus, bail granted to him was cancelled and arrest warrants have been issued. She also submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed upon him by the trial Court.

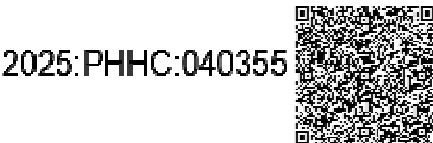
3. Notice of motion to the official respondents at this stage.

4. Served with an advance copy of the petition, Mr. Davinder Bir Singh, Senior DAG, Punjab accepts notice on behalf of respondent No.1-State and has submitted that the trial Court has been correctly issued arrest warrants against the petitioner.

5. Heard the rival submissions made by learned counsel for the parties.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, he could not appear before the trial Court on one date i.e. 24.02.2025 and on account of the same, his bail bonds/surety bonds were



cancelled. The petitioner is ready to appear before the trial Court and face the trial.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date.

9. In view of the above, the present petition is allowed and order dated 24.02.2025 (Annexure P3) passed by the learned Addl. Sessions Judge, Hoshiarpur is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within a period of 07 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court concerned on the next date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on the same bail bonds/surety bonds. No coercive action would be taken against the petitioner till the next date. In case, the petitioner failed to appear before the trial Court concerned on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

25.03.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No