

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

2025-PHHC-048919



CRM-M-19705-2025

Date of Decision:09.04.2025

MUKHI LAL

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mikhail Kad, Advocate with
Mr. Jagjit Singh, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The jurisdiction of this Court has been invoked under Section 528 of The Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), praying for setting aside the impugned order dated 21.03.2025, Annexure P-4, vide which non bailable warrants have been issued against the petitioner in case FIR No. 0019 dated 18.03.2016 under Sections 323, 452, 506, registered at Police Station Sadar Sunam, District Sangrur.

Learned counsel for the petitioner submits the petitioner could not appear before the Appellate Court on one date i.e 18.11.2024 on account of death of his relative and had also moved an application for exemption of personal appearance and his appearance was therefore, exempted. Thereafter, inadvertently noted the wrong date as 24.03.2025 instead of 21.03.2025 and thus, the petitioner could not appear on the said date i.e 21.03.2025 before the Appellate Court, and non-bailable warrants of arrest were issued against the petitioner. He further submits that the petitioner did not have any intention to avoid attendance in the Court proceedings otherwise he had been appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the Appellate Court and shall join the proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the Appellate Court.



Considering the submissions made by learned counsel for the petitioner and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the Appellate Court within a period of 10 days from today, and apply for bail.

In case, such an application for bail is moved by the petitioner before the Appellate Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk's Association and a receipt of the same be produced before the Appellate Court and only in that eventuality, application of the petitioner seeking bail may be considered and decided on the same day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the Court proceedings by evading from the trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

09.04.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No