

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

2025:PHHC:061537



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CRM-M-21018-2025 (O&M)

Date of Decision: 08.05.2025.

Rajan Kumar

...Petitioner.

Versus

State of Punjab and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of Cr.P.C. of 1973 for quashing of order dated 05.02.2025 passed by Sub Divisional Judicial Magistrate, Mukerian vide which the trial Court has issued non bailable warrants against the petitioner.

The relevant facts for the purpose of adjudication of present petition are that criminal complaint No.NACT/16/2023, under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner/accused was filed against the petitioner. The petitioner is facing trial in the said case. He absented before the trial Court on 17.09.2024. His bail bonds and surety bonds were cancelled and forfeited to State. Then he was granted bail vide order dated 12.12.2024 by learned Sessions Judge, Hoshiarpur and he was directed to surrender before the trial Court within one week. However, the petitioner did not surrender before the trial Court and to procure his presence his non-bailable warrants of arrest were issued by the trial Court on several dates, which remained unexecuted. Then on 11.04.2025, again fresh non-bailable

warrants of accused have been ordered to be issued by the trial Court for 17.05.2025 and notice to his surety under Section 446 Cr.P.C. has also been issued.

It has been contended by learned counsel for the petitioner that earlier the petitioner was regularly appearing before the trial Court and was facing the trial but he could not appear before the trial Court within stipulated period as directed by Court of Sessions. Being under depression by leaving his house he started living at the Dera and then he was brought back from Dera by his parents. He has further submitted that the petitioner is ready to appear before the trial Court and has prayed that the impugned order dated 05.02.2025 be quashed.

I have heard learned counsel for the parties.

From the record, it emerges that earlier the petitioner had been informing the trial Court in case he was unable to attend the Court on a specific date. Trial of the case is likely to take time and no useful purpose is likely to be served by sending him behind the bars. Accordingly, impugned order dated 05.02.2025 is set aside. The petitioner is directed to surrender and appear before the trial Court within 10 days and on doing so, he would be released on bail on furnishing his fresh bail/surety bonds to the satisfaction of the Court concerned and with the undertaking to appear regularly before the trial Court on each and every date of hearing and subject to depositing of cost of Rs.10,000/- with DLSA, Hoshiarpur.

Disposed of in the aforesaid terms.

(SUKHVINDER KAUR)
JUDGE

08.05.2025.

Komal

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