



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

CRM-M-27200-2025
Date of decision: 19.05.2025

GURINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parunjeet Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of impugned order dated 22.04.2025 (Annexure P-18) in case bearing No.CHI/46/2024 titled as '*State of Punjab vs. Gurinder Singh @ Ginda*' in case stemming from FIR No.351 dated 09.12.2020 under Section 387 of IPC and Section 66-A of the IT (Amendment) Act, 2008 (Now Deleted) registered at Police Station Civil Lines, District Amritsar, whereby, the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted the permission to go abroad vide order dated 07.05.2024 passed by learned Judicial Magistrate Ist Class, Amritsar (Annexure P-5) and was directed to surrender before the learned trial Court on 31.01.2025. He further contends that the petitioner returned on time and appeared before the learned trial Court in terms of the order dated 07.05.2024. Thereafter, the petitioner was again granted permission to go abroad vide



order dated 10.02.2025 (Annexure P-2) passed by learned trial Court and was directed to surrender before the said Court on 22.04.2025. However, the petitioner moved an application on 04.04.2025 seeking extension of time of permission to stay abroad on the ground that his personal hearing was fixed before the Federal Court of Australia, which was required to be attended by the petitioner in person. To substantiate the same, the petitioner relies upon Annexures P-13 and P-19 i.e. the orders dated 03.03.2025 and 02.05.2025 passed by the jurisdictional Court at Brisbane. However, upon his non-appearance, the learned trial Court vide order dated 22.04.2025 (Annexure P-18), without taking into consideration the genuine request of the petitioner and compelling circumstances, for which, he could not surrender within time, has cancelled the bail of the petitioner and non-bailable warrants were issued.

3. Learned counsel for the petitioner further contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on the next date of hearing i.e. 04.06.2025 and further, on each and every date.

5. Notice of motion.

6. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner,



however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

9. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

10. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 22.04.2025 (Annexure P-18), vide which, the bail bonds and bail order of the petitioner were cancelled and non-bailable warrants were issued, is hereby set aside.



12. Petitioner is directed to appear before the trial Court on or before 04.06.2025 and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with All India Pingalwara Charitable Society, Amritsar for wasting precious time of the Court.

13. Receipt of payment of cost must be presented before learned trial Court and learned trial Court is directed to verify the same.

14. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, the interim protection granted by this Court shall be deemed to be vacated.

May 19, 2025
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No