



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

135

CRM-M-33410-2025
Date of decision: 09.07.2025

PARVEEN KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

SANJAY VASHISTH. J.(Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 has been filed for seeking quashing of order dated 20.05.2025 (Annexure P-4), whereby bail order of the petitioner was cancelled and his bail bonds were cancelled and forfeited to the State in case FIR No.0004 (Annexure P-1), dated 18.01.2018, under Sections 392, 394, 397, 120-B of IPC and Sections 25, 27, 54 and 59 of Arms Act, registered at Police Station Bahawala, District Fazilka, Punjab.
2. Counsel contends that petitioner had been granted regular bail by the learned trial Court (ASJ Fazilka) vide order dated 05.05.2018 (Annexure P-2). Thereafter petitioner was attending the Court proceedings on each and every date.
3. Learned counsel further submits that on 20.05.2025, the petitioner could not appear before the learned trial Court because of his poor health condition as he was advised to take bed rest for 05 days and a copy of the medical report is annexed with the petition as Annexure P-5. Due to which, vide impugned order dated 20.05.2025 (P-4), learned Trial Court canceled his bail and his bail/surety bonds were also cancelled and forfeited to the State.



- 2-

He also submits that absence of the petitioner was neither intentional nor deliberate, but due to the above-said reasons, as mentioned above.

4. Learned Counsel, thus, submits that now petitioner is ready to join the process of law, however, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest. In case, one opportunity is granted, petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

5. Notice of motion.

6. Mr. Neeraj Madaan, Sr. DAG, Punjab puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

7. In number of cases, wherein, accused stopped appearing in 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 is declared 'Proclaimed Person'/Proclaimed Offender', after examining the facts, this Court has formulated to apply 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



- 3-

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***).

8. 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 due to the reasons already mentioned, and consequently, on



20.05.2025, impugned order cancelling the bail and issuance of warrants of arrest, has been passed against him. It also cannot be left unnoticed that as and when the petitioner came to know about the passing of impugned order, he has immediately moved the present petition, showing his inclination to submit himself before the trial Court.

9. In 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 dated 20.05.2025 (P-4) is hereby **set aside** to the extent of issuance of warrants of arrest and petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 25.07.2025.

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

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

09.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No