



CRM-M-40199-2025

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

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Decided on : 29.07.2025

**Nakul Bhaskar****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.  
(appeared on advance notice)

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**SANJAY VASHISTH, J.**

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 19.05.2023(Annexure P-4), whereby after cancelling the bail of the petitioner, non-bailable warrants have been issued against him, on account of his non-appearance in the following FIR:-

| <b>FIR No.</b> | <b>Date</b>       | <b>Section(s)</b>     | <b>Police Station</b>                           |
|----------------|-------------------|-----------------------|-------------------------------------------------|
| <b>68</b>      | <b>15.06.2018</b> | <b>21 of NDPS Act</b> | <b>Doraha, Police District Khanna, Ludhiana</b> |

2. As per the allegations, the petitioner was found in possession of 40 grams of heroin, while his co-accused, Kuljinder Singh @ Toni, who unfortunately passed away after the registration of the case, was found in possession of 60 grams of heroin.



Learned counsel for the petitioner submits that the petitioner has been facing proceedings since 15.06.2018, and has been regularly appearing before the Court throughout the trial. However, during the course of the proceedings, petitioner was under the misimpression that he had already been convicted and sentenced to the period already undergone. Acting under this mistaken belief, the petitioner failed to appear before the Court on 14.02.2023. Consequently, on 19.05.2023(P-4), his bail was cancelled and thereafter, non-bailable warrants were issued against him.

It is submitted that the petitioner's absence was neither deliberate nor intentional, but was solely due to misunderstanding regarding the status of the case. In these circumstances, the petitioner prays for the setting aside of the order dated 19.05.2023(P-4).

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy. Learned State counsel further submits that looking at his conduct, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the 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 has been declared 'Proclaimed



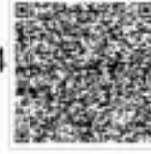
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Person’/Proclaimed Offender’. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead 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 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:



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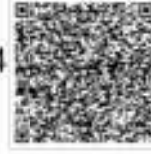
*“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used 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***).

6. 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 on 19.05.2023(P-4), when impugned order issuance of non-bailable warrants has been passed against him and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. In the 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 (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner. Petitioner is directed to appear before learned trial Court concerned on or before 12.08.2025

8. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during

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the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

9. However, this order shall be subject to the payment of Rs.10,000/- (Rupees ten thousand only) as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court/ Duty Magistrate. The Trial Court/Duty Magistrate shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

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

**29.07.2025**  
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**(SANJAY VASHISTH)**  
**JUDGE**

Whether Speaking/Reasoned: **YES/NO**  
Whether Reportable: **YES/NO**