



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

126

CRM-M-46707-2025

Date of decision: 29.09.2025

Charan Dass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. G.S. Sandhu, Advocate for the petitioner.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case FIR No.0005 dated 07.01.2023 registered against him, at Police Station Kotbhai, District Sri Muktsar Sahib, for commission of offences punishable under Section 379-B, 323, 148, 149 IPC, has filed the present petition under Section 528 of BNSS, for quashing of the order dated 23.07.2025 (Annexure P-3), vide which his bail was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants.
2. Learned counsel submits that petitioner was granted the concession of bail by this Court vide order dated 29.08.2023 in CRM-M-30411-2023. Learned counsel fairly admits that he has been continuously appearing before the learned trial Court on each and every date. However, petitioner could not appear before the trial Court on 23.07.2025, on account of having noted the next date of hearing as 22.08.2025 instead of 23.07.2025. Learned counsel further submits that the mistake was unintentional. Further, the Court proceedings have not been delayed on this count. With this backdrop, it has been prayed that the order dated 23.07.2025 be set aside.
3. Heard. Documents on record perused.



4. This Court in CRM-M-36490-2022, titled as *Major Singh vs. State of Punjab, decided on 15.09.2022*, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In *CRM-M-38277-2022, Surjit Singh vs. State of Punjab, dated 26.08.2022* and *CRM-M-39000-2022, titled as Raghav vs. State of Punjab, decided on 09.09.2022*, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

5. Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served a summons or if they are likely to abscond. Courts issue NBWs as a last resort, after first attempting to secure attendance through summons and bailable warrants.

6. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 23.07.2025, Annexure P-3, is set aside. Petition is disposed of with a direction to the petitioner to appear before the court concerned on the next date of hearing. In case, he surrenders before the court concerned on the next date of hearing, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.



7. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AARADHNA SAWHNEY)
JUDGE

29.09.2025

Hemant

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