



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

CRM-M-48506-2025

Date of decision: 01.09.2025

NARESH KUMAR

....Petitioner

Versus

STATE OF U.T. CHANDIGARH AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Rishav Kamboj, Advocate for the petitioner.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 19.08.2025 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh in case No.NACT-5306-2023 tilted 'Shyam Nath vs. Naresh Kumar', whereby, non-bailable warrants were issued against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was never served in the case. However, on 19.08.2025, the trial Court has wrongly issued non—bailable warrants against the petitioner. He further submits that the petitioner was not aware of the pendency of the instant complaint thus prays for quashing of the said order.

3. Learned counsel for the petitioner *inter alia* 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 each and every date.

5. Notice of motion.

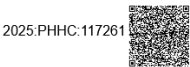
6. Mr. Mr. Ganesh Kumar Sharma, Addl. P.P. UT Chandigarh., who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner is yet to be served.

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. The reasons assigned by the petitioner for non-appearance seem to be genuine and it 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. 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.

10. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 19.08.2025 (Annexure P-2), whereby, non-bailable warrants were issued against the petitioner, is hereby set aside.



11. Petitioner is directed to appear before the trial Court within a period of four weeks 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.
12. 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.

01.09.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |