

CRM-M-50212-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50212-2025
Decided on: 08.09.2025

Raman Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurmeet Singh. Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

Criminal Complaint Case No.	CIS No.NACT-118-18.10.2021 titled as Onkar Singh vs. Raman Kumar filed under Section 138 of the Negotiable Instruments Act
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1. Challenging the order dated 16.07.2025 passed by the Sub Divisional Judicial Magistrate, Garhshankar, District Hoshiarpur, vide which bail of the petitioner was cancelled, bail/surety bonds were forfeited to the State and non-bailable warrants were issued, the petitioner has come up before this court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS].
2. Notice served upon the official respondent through State counsel. The nature of order which this Court proposes to pass, there is no necessity of calling any response from the State.
3. The petitioner was earlier on bail vide order dated 15.07.2022 passed by the Sessions Judge, Hoshiarpur, however, due to non-appearance, the bail was canceled vide order dated 16.07.2025 passed by the Sub Divisional Judicial Magistrate, Garhshankar, District Hoshiarpur.
4. Petitioner’s counsel submits that non-appearance was un-intentional and reasons for which are mentioned in para 4 of the petition.
5. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioner got to know about issuance of non-bailable warrants, he took a legal remedy and came up before this Court. It also remains undisputed that it never happened that police officials caught him or tried to run



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away to avoid an appearance in Court. Petitioner has proved his case by a preponderance of probabilities and has prima facie established that his non-appearance was beyond his control as he approached the Court without wasting any time. Petitioner on his own came before this Court, undertaking to attend the trial, and it is not the police who have been able to arrest him.

6. Let the petitioner attend the trial because the criminal justice system must not hamper and suffer because of the petitioner.

7. The primary object of the service is to secure the accused's presence at trial. The petitioner approached this court independently, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above. Thus, exercising the inherent powers under section 528 BNSS 2023, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

8. The State's counsel submitted that if this Court is granting any concession to the petitioner, it must be subject to some reprimand. The petitioner's counsel declared that if this court imposes reasonable and affordable costs, the petitioner shall deposit the same.

9. Given above, the petitioner is directed to surrender before the concerned court **on or before 25.09.2025, at 11 AM**. On or before this date, if the petitioner after surrender, files bail application(s) in the case(s) before the concerned Court(s) of the concerned district, since the primary offense is bailable, concerned trial court shall release the petitioner on bail on the same day, subject to furnishing bail bonds by imposing reasonable conditions deemed appropriate in the background of the accused's conduct. The petitioner is directed to appear on each date before the trial court and not to delay it. Petitioner shall deposit Rs.10,000/- in the PGI Poor Patients Welfare fund and handover the receipt in the trial Court.

10. There shall be a stay of the petitioner's arrest in the case mentioned till the date mentioned above to exercise their statutory rights of pre-arrest bail. As mentioned above, this stay is subject to the petitioner's surrender, failing which this protection shall also be recalled. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner in the matter mentioned above shall automatically stand recalled and canceled.

11. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 403 read with 528 of BNSS, 2023, without any further reference to this court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.



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13. *A certified copy of this order would not be needed, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is partly allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.09.2025

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Whether speaking/reasoned: Yes

Whether reportable: NO.