



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

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CRM-M-53330-2025 (O&M)

Date of decision: 22.09.2025

Major Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing of order dated 31.01.2025 bearing NDPS No.115 of 2021 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib whereby non-bailable warrants have been issued against the petitioner and bail/surety bonds have been forfeited to the State in FIR No.0179 dated 29.11.2020, registered under Section 22(b) of NDPS Act, at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. Learned counsel submits that the petitioner was granted regular bail vide order dated 06.01.2021, Annexure P-2, whereafter, he continued to appear before the trial Court but for 31.01.2025 as he had noted down the wrong date as 31.02.2025. The bail of the petitioner was cancelled and bonds forfeited to the State and non-bailable warrants had been issued for 19.04.2025 and 24.07.2025, however, the same were received back unexecuted and the matter is now fixed for 17.10.2025 for proclamation process. He is ready and willing to join the proceedings on or before the next date of hearing which is 17.10.2025 and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Notice of motion.



4. At the asking of the Court, Mr. M.S. Bajwa, DAG Punjab accepts notice on behalf of respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Heard.

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. 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.

8. Reverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful.

9. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the



culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

10. As a consequence of the aforesaid, the impugned order dated 31.01.2025 is set aside and the petitioner is directed to surrender before the learned Appellate Court on or before 14.10.2025 and deposit Rs.10000/- as costs with the Punjab and Haryana High Court Employees Welfare Association, having account No.37167209613, High Court Branch, SBI, Chandigarh, whereupon, 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 learned Appellate 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.

11. The present petition is accordingly allowed.

12. 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.

(AMAN CHAUDHARY)
JUDGE

19.09.2025
M.Kamra

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