



CRM-M-52936-2025

-1-

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

116

CRM-M-52936-2025 (O & M)

Date of decision: 19.09.2025

BHUPINDER SINGH

....Petitioner

Versus

CHARANJEET KAUR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.C.Shahpuri, Advocate,
for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 01.09.2025, Annexure P-2, passed by learned Judicial Magistrate Ist Class, Ambala, vide which bail of the petitioner was cancelled and warrant of arrest was issued against him in complaint bearing COMA No.917/2019 dated 29.05.2019, titled as 'Charanjit Kaur vs. Bhupinder Singh'.

2. Learned counsel submits that after having been summoned to face the trial, the petitioner appeared and was granted bail, whereafter he continued to regularly appear before the Court, but for on 01.09.2025, following which his bail was cancelled and warrant of arrest was issued. The reason of absence is that he had to appear before some other Court at Naraingarh. The petitioner is ready and willing to join the

proceedings on or before the next date of hearing which is 13.10.2025 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. B.S.Saroha, DAG, Haryana, accepts notice on behalf of respondent No.2-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as they had absented from the proceedings.

5. No order prejudicial to the rights of respondent No.1 is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon her.

6. The very purpose of issuance of warrant of arrest, 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. The present petition has been filed on 15.09.2025 and warrants have now been issued for 13.10.2025, which reflects the *bona fide* of the petitioners to join the proceedings.

8. 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.

9. 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.

10. 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.

11. As a consequence of the aforesaid, the impugned order dated 01.09.2025, Annexure P-2, is set aside and the petitioner is directed to surrender before the trial Court on or before 13.10.2025 and make the payment of costs of Rs.5,000/- to respondent No.1-complainant, 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 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.

12. The present petition is accordingly allowed.

13. 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.

19.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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