



CRM-M-68468-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-68468-2025

Decided on: December 08, 2025

Simmi @ Simran Ghai and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rakesh Kumar Kachura, Advocate
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 27.11.2025 (Annexure P-6), passed by learned Chief Judicial Magistrate, SBS Nagar, whereby after cancelling the bail of the petitioners, non-bailable warrants have been issued against them, on account of their non-appearance in a case No. CHI-268-2025, titled as, “State of Punjab v. Simmi alias Simran and another”, arising out of FIR No. 52, dated 02.04.2024, under Sections 406, and 420 IPC (Sections 465, 468, 471 and 120-B IPC were added later on), registered at Police Station City Nawanshahr, District SBS Nagar (Nawanshahr) [Annexure P-1].

2. Learned counsel for the petitioner submits that after implication of the petitioners in the aforementioned criminal case, they were granted anticipatory bail by this Court, vide order dated 05.09.2024

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(in CRM-M-24263-2024) and 23.09.2024 (in CRM-M-27659-2024) for the offences punishable under Sections 406 and 420 IPC, and subsequently vide orders dated 26.08.2025 (in CRM-M-29921-2025) and 01.08.2025 (in CRM-M-31017-2025). Final report/challan, under Section 173 Cr.P.C. in the said case was presented on 03.10.2025 and case was adjourned to 29.10.2025 for appearance of accused. On 29.10.2025, both the petitioners appeared before the trial Court and case was adjourned to 27.11.2025, for consideration on charge.

Further submits that meanwhile with the intervention of the respectable and relatives, the complainant and the petitioners amicably resolved the dispute and entered into a compromise dated 30.10.2025 (Annexure P-4). On the strength of said compromise, the petitioners also filed quashing petition, bearing No. CRM-M-65940-2025, before this Court, wherein Co-ordinate Bench of this Court has already passed an order dated 21.11.2025 (Annexure P-5), with regard to recording of the statements of all the affected parties before the trial Court/Illaq Magistrate. The said petition is now listed for 06.04.2026 awaiting report.

3. Learned counsel further submits that on 27.11.2025, the petitioners could not appear before the trial Court, because inadvertently they noted the wrong date of hearing as 28.11.2025, which resulted into cancellation of their bail order. Further, bail/surety bonds were also cancelled and forfeited to the State, and non-bailable warrants of arrest have been issued for 19.12.2025.



Learned counsel, thus, submits that absence of the petitioners was neither intentional nor deliberate, but due to the reason, as mentioned above.

4. Learned Counsel further submits that now petitioners are ready to join the process of law, however, they be directed to be released on bail, on their surrendering before the Court and, thus, be protected from arrest. In case, one opportunity is granted, petitioners also undertake that they would not absent themselves in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

5. Notice of motion.

6. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners does not deserve any sympathy, because, they have misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioners, submits that there is every possibility that for the purpose of delaying the trial, they would again be absenting during the proceedings.

7. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused is declared 'Proclaimed Person'/Proclaimed Offender', after examining the facts, this Court has formulated to apply a uniform method by satisfying itself that such accused would appear



before the concerned Court, to enable it to proceed further instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it, *vis a vis*, the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of **Ashish Kumar Honda @ Ashish Handa v. State of Punjab, 2022 (4) RCR (Criminal) 765 : Law Finder Doc Id # 20238111**, considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”



Again, this Court has considered the aforementioned similar plea in case *Veena @ Veena Devi v. State of Punjab* (CRM-M-2206-2025, decided on 16.01.2025).

8. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioners have remiss in appearing before the Court due to noting down wrong date, and consequently, on 27.11.2025, impugned order cancelling the bail and issuance of non-bailable warrants of arrest, have been passed against them. It also cannot be left unnoticed that on coming to know about passing of the impugned order, petitioners have moved the present petition, showing their inclination to submit themselves before the trial Court.

9. In totality of circumstances, I am of the view that the petitioners can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioners is accepted. Impugned order dated 27.11.2025 (P-6) is hereby **set aside** to the extent of issuance of non-bailable warrants against the petitioners, and it is directed that the petitioners shall be released on bail, in the eventuality of surrender by them before the trial Court on or before 24.12.2025.

The petitioners shall also furnish fresh bail bonds/surety bonds/personal bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioners would also submit specific undertaking(s)/affidavit(s) that they will keep appearing during



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the proceedings of the trial in future and the proceedings would not be delayed because of their conduct.

However, this order shall be subject to the payment of total costs of Rs.10,000/-, to be deposited by the petitioners, i.e. Rs.5,000/- + Rs.5,000/-, in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioners.

10. With aforementioned terms, present petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

December 08, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO