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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-70551-2025
Decided on : 23.12.2025

SHER ALI . . . Petitioner(s)
Versus
STATE OF PUNJAB . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Jasmine, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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 08.10.2025 (Annexure P-3), passed by Ld. Special Court, Sangrur, whereby after cancelling the bail of the petitioner, non-bailable warrants have been issued against him, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
123	25.06.2021	15/29/61/85 of NDPS Act	Sadar Dhuri	Sangrur

2. Learned counsel for the petitioner submits that it is evident from the zimni orders (Annexure P-2) that petitioner had been diligently appearing before learned trial Court and duly cooperating with the proceedings since the year 2021, and had never remained absent prior to the passing of the impugned order. It is further submitted that petitioner has been falsely implicated in the present FIR.



Learned counsel further submits that on 08.10.2025, petitioner could not appear before the Court of learned Special Judge on account of the demise of his paternal uncle (*chacha*). The said uncle had been critically ill, was referred to PGI, Chandigarh, and unfortunately expired on 09.10.2025. Petitioner had duly instructed his earlier counsel to seek exemption from personal appearance on the said date; however, due to inadvertence, the said request could not be conveyed to the Court. Consequently, learned Court proceeded to cancel the bail, forfeit the bail bonds, and issue non-bailable warrants against the petitioner.

3. It is contended that non-appearance of the petitioner on 08.10.2025 was neither deliberate nor intentional.

Thus, submits that absence of the petitioner was neither intentional nor deliberate, but he defaulted due to the reasons, mentioned here-above.

4. Moreover, petitioner is ready and willing to appear before the Court concerned and undertakes that he shall not act in any manner prejudicial to the interest of the prosecution, shall maintain law and order, and shall abide by all the conditions that may be imposed by this Court. However, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest. In case, one opportunity is granted, petitioner also undertakes that he would not absent himself 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 petitioner by submitting that petitioner does not deserve any



sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

7. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the 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 has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied 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 realized 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 Vs. 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 petitioner has remiss in appearing before the Court only on one date, and consequently, on 08.10.2025, when impugned order cancelling the bail and issuance of non-bailable warrants of arrest, has been passed against him. It also cannot be left unnoticed that within two months of the absence from the Court, and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

9. In totality of circumstances, I am of the view that the petitioner 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 petitioner is accepted. Impugned order (supra) is **set aside** to the extent of issuance of non-bailable warrants against the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial



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Court on or before 12.01.2026.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

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

**(SANJAY VASHISTH)
JUDGE**

December 23, 2025

Lavisha

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*