

2026.PHHC.064896



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-18151-2026 (O&M)
Date of decision: 28.04.2026

Anil Nath Kapoor**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Satish Mishra, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting exemption from appearance before the learned trial Court for some time on medical grounds.

2. As revealed from the record, the petitioner had been declared a proclaimed offender/proclaimed person by the learned trial Court, vide orders dated 24.07.2025 and 22.12.2025, respectively in case arising out of FIR No. 27 dated 05.03.2014, registered under Section 420 of IPC at Police Station E-Division, Amritsar City. He had filed a petition bearing **CRM-M-7250-2026** before this Court seeking quashing of aforementioned orders. Vide order dated 24.02.2026, passed by this Court, the said petition was allowed and the impugned orders thereof were set aside. The operative part of the order dated 24.02.2026 reads as under:

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“6. Resultantly, the present petition stands allowed. Impugned orders dated 24.07.2025 and 22.12.2025 (Annexure P-1) are set aside. Petitioner is directed to surrender before the Court concerned within a period of 15 days from today. On his appearance, if petitioner moves an application for grant of bail, the same be decided within a period of 2 days. 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.”

3. It is further revealed that the petitioner instead of surrendering before the learned trial Court in compliance with the order dated 24.02.2026 had filed an application seeking exemption from his appearance. He had also filed another application under the title ‘surrender and bail’. The learned trial Court had dismissed both the applications by making following observations:

“9. As per order dated 24.02.2026 so passed by Hon'ble High Court in CRM-M-7250 of 2026, applicant has been directed to "surrender before the Court" within a period of 15 days from the date of order and it was further directed by Hon'ble High Court that on his appearance, the petitioner (applicant of the present application) moves an application for grant of bail, the same be decided within a period of two days. Petitioner has been directed by Hon'ble High Court to mark his appearance before the Court in the shape of surrendering himself before the Court. Although, the applicant has moved the application under title "surrender and bail", however, it is to be appreciated that

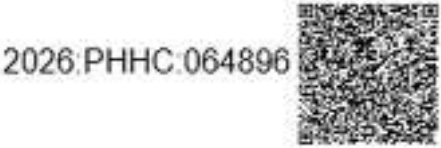
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applicant has not at all surrendered himself before the Court, rather moved an application seeking exemption from appearance before the Court at the same time. Evidently, photocopy of medical record of Anil Nath Kapoor of aged 68 years on 19.02.2026 is enclosed with the present application. However, it is to be considered that the applicant in the present application has mentioned his age as being of 71 years old. The copy of medical record so placed also does not mention the parentage or complete address or identity proof of the applicant. Counsel for the applicant-accused further submitted before the Court that said incomplete information pertaining to the parentage, address as well as age of the accused is merely a technical error and the same should not be appreciated or considered by the Court. However, this Court is of the view that when applicant preferred not to comply with the direction so passed by Hon'ble High Court in order dated 24.02.2026, then, he should not be granted any concession of bail in view of the fact that he has not at all surrendered himself before the Court and accordingly, the present applications so moved on behalf of accused are not maintainable and are disposed off being dismissed.”

4. Aggrieved from the dismissal of his aforementioned applications by the learned trial Court, the petitioner has filed the present petition.

5. Learned counsel for the petitioner has argued that he is an old person, aged about 71 years and has been facing multiple age related health problems. Due to some procedural delay, he could not procure the certified copy of the order dated 24.02.2026 till 11.03.2026. As soon as he received the copy of the said order, he moved applications for surrender and bail before the learned trial Court as well as for exempting his personal appearance.



However, the said applications had been dismissed. It is further argued that keeping in view the age of the petitioner, his health condition as well as the fact that he could not procure the certified copy of order dated 24.02.2026 in time, he may be granted extension of time to comply with the order dated 24.02.2026.

6. This Court has heard the submissions made by learned counsel for the petitioner.

7. A perusal of the order dated 24.02.2026 reveals that the petitioner had been specifically directed to surrender before the trial Court within a period of 15 days. Admittedly, the said direction was not complied with and instead, abovementioned two applications were filed by the petitioner, which had been dismissed by the learned trial Court. However, considering the age of the petitioner and the explanation furnished regarding delay in procuring the certified copy of the order, this Court deems it appropriate, in the interest of justice, to grant a limited indulgence. Accordingly, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court within a further period of 10 days from today in terms of the order dated 24.02.2026. It is made clear that no further extension shall be granted.

28.04.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No