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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-17678-2026

Date of decision: 6th April, 2026

Sonu Goswami

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioner is seeking quashing of order dated 16.08.2024 and the subsequent orders dated 24.09.2024 and 06.11.2024 respectively passed by the Court of learned Additional Sessions Judge, Amritsar in case arising out of FIR No. 118 dated 22.05.2023 registered under Sections 307, 212, 216 and 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Maqboolpura, Police Commissionerate Amritsar.

2. The petitioner has been booked and has been challaned under the aforementioned Sections on the basis of a written complaint submitted by the complainant Rattan Singh, on the allegations that on the night of 21.05.2023, he along with the co-accused had fired shots towards the complainant and his companions with intent to kill them and had then fled from the spot when the complainant's friend has opened retaliatory fire with their respective weapon. After registration of FIR, investigation proceedings were initiated. The

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petitioner was arrested and was extended benefit of bail vide order dated 29.02.2024 passed by this Court in CRM-M-9810-2024. The petitioner started appearing before the learned trial Court. However, he absented himself on 16.08.2024 due to which his bail was cancelled and bonds were forfeited to the State.

3. As per the record, nonailable warrants issued against the petitioner kept on received back unexecuted. Then vide order dated 24.09.2024, proclamation under Section 82 of Cr.P.C. was ordered to be issued against the petitioner for 06.11.2024 and then for 12.12.2024. On 12.12.2024, proclamation was received back duly effected, however, since the executing police official had not appeared, the learned trial court adjourned the matter further for recording his statement and till 01.04.2026, the case was being adjourned for recording statement of the executing police official. On 01.04.2026, learned trial court had again adjourned the matter for recording statement of serving constable on 08.05.2026.

4. It is argued by learned counsel for the petitioner that his absence on 16.08.2024 was not intentional or deliberate but on account of the fact that he was suffering from high viral fever and was not in a position to travel from Mathura to Amritsar. His bail was cancelled. Now proclamation proceedings have been initiated against him. He is ready to join the proceedings before the learned trial Court and is also ready to abide by terms and conditions. It is, thus, argued that the petition deserves to be allowed.

5. Notice of motion.

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6. Learned State counsel has advance notice of the petition. It is argued by her that there is no illegality or infirmity in the order dated 16.08.2024 as the bail of the petitioner was cancelled due to his non-appearance. It is further argued that the subsequent orders have also been legally passed and hence, do not deserve any interference. Therefore, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. A perusal of the *zimni* orders passed by the learned trial Court and copies of which have been placed on record, has revealed that bail of the petitioner was cancelled as on 16.08.2024 on account of his non-appearance and proclamation was ordered to be issued against him on 24.09.2024 for 06.11.2024 and then for 12.12.2024. On 12.12.2024, though proclamation issued against the petitioner had been received back duly effected but since the police official who had published the proclamation had not appeared to get his statement recorded and as the statutory period of 30 days as required under Section 82 of Cr.P.C. (*pari materia* with Section 84 of BNSS) had not expired, therefore, the matter was adjourned further for awaiting appearance of the petitioner and also for recording statement of the serving police official. Further fresh proclamation was ordered to be issued against him for 19.05.2025 vide order dated 18.03.2025. On 19.05.2025, no order qua publication of proclamation was passed and then again the case was adjourned for recording statement of serving police official which is continuing till date.

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On a collective perusal of all these orders, it is apparent that though the learned trial Court passed orders as to issuance of proclamation as against the petitioner on different dates of hearing, however, without going through the previous orders and taking care of the fact that what exact steps were required to be taken, had kept on adjourning the case sometime for recording statement of serving police official and sometime by abruptly issuing fresh proclamation proceedings. However, at the same time, this Court finds no illegality or infirmity in the order dated 16.08.2024, whereby the bail of the petitioner was cancelled and bonds were forfeited to the State. The explanation given by the petitioner for his non-appearance does not appear to be convincing in the absence of any document to show that he was infact unable to appear before the learned trial Court on 16.08.2024. However, at the same time, while noticing the fact that learned trial Court has issued proclamations against the petitioner and has unnecessarily adjourned the case further for recording statement of the executing police official and further taking into consideration the fact that the petitioner is willing to appear before the learned trial Court and to join further proceedings, the petition is disposed of by giving direction to the petitioner to appear before the learned trial Court within a period of 15 days from today and to move an application for grant of bail, on his doing so, and on furnishing fresh personal as well as surety bonds to the satisfaction of the learned trial Court, it shall admit the petitioner to bail. However, if the petitioner does not abide by the order of this Court, the learned trial Court shall be at liberty to proceed further though keeping in view the fact that the

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case is not unnecessarily adjourned for the purpose of recording statement of serving constable and proper and effective orders are passed. A copy of this order be sent to the concerned Court.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |