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

CRM-M-24642-2026

Date of Decision : 04.05.2026

Akhilesh

.....Petitioner

Versus

State of U.T. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sahil Goel, Advocate
for the petitioner (through V.C.)

Mr. Virat Rana, Addl. P.P. for U.T. Chandigarh

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 18.09.2025 (Annexure P-15) wherein non-bailable warrants have been issued against the petitioner, passed by learned Judicial Magistrate 1st Class, Chandigarh in NACT No. 10353/2023 dated 22.12.2023 (Annexure P-15) and subsequent proceedings in case titled as *Mahindra and Mahindra Finance Company Limited vs. Akhilesh* under Section 138 of the Negotiable Instruments Act read with Section 142 of NI Act.

2. Learned counsel for the petitioner submits that the petitioner had procured a loan of Rs. 4,70,000/- and agreed to pay the entire sum of the principle alongwith interest to respondent No. 2 company in timely EMI (Equated Money Installments). On 07.03.2026, a proclamation proceeding was issued for



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28.04.2026. While issuing the non-bailable warrants and proclamation proceeding issued against the petitioner, he was never received any summons and complainant/respondent No. 2 did not produce any proof of serve with regard to the service effected to the petitioner.

Thus, learned counsel submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner 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.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at her behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case 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 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



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crime in question before it *viz-a-viz* 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).

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has not appeared before the Court due to non receiving of summons, when impugned order has been passed against him. It also cannot be left unnoticed that as and when the petitioner came to know about passing of the impugned order, the petitioner has moved the present



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petition, showing his inclination to submit himself before the trial Court.

7. 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 dated 18.09.2025 (Annexure P-15) is set aside to the extent of issuance of non-bailable warrants and cancelling bail order of the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 22.05.2026.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. 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 her conduct.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner 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 petitioner.

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

May 04, 2026

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**(SANJAY VASHISTH)
JUDGE**

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