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

**CRM-M No.25713 of 2026
Date of decision: 07.05.2026**

Kulwant Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. H. P. S. Ghuman, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned orders dated 27.11.2025 (Annexure P-12), 03.01.2026 (Annexure P-15), 02.02.2026 (Annexure P-16), 05.03.2026 (Annexure P-19) and order dated 08.04.2026 (Annexure P-22) passed by the learned Judicial Magistrate Ist Class, Bathinda in CHI-76-2025 arising out of case bearing FIR No.79, dated 16.07.2024, under Sections 325, 323, 427, 34 of IPC, registered at Police Station Nathana, District Bathinda. Further prayer has been made for staying the operation of impugned order dated 08.04.2026 during the pendency of the present petition.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely prosecuted in a case bearing FIR No.79, dated 16.07.2024, under Sections 325, 323, 427, 34 of IPC, registered at Police

Station Nathana, District Bathinda. He has further submitted that the petitioner has been implicated in the present case on the basis of supplementary statement got recorded by the complainant after more than 01 year, i.e. on 06.08.2025. He has submitted that thereafter the summons were issued against the petitioner vide order dated 23.09.2025, however, the same were received back unserved, fresh summons were issued against him for 10.10.2025; 03.11.2025 and then for 27.11.2025. He has further submitted that the learned trial Court vide order dated 27.11.2025, issuedailable warrants against the petitioner for 03.01.2026 but the same remained unserved as his house was locked. He has submitted that vide order dated 03.01.2026 freshailable warrants were issued against the petitioner for 02.02.2026, 05.03.2026 and lastly for 08.04.2026, however, the same remain unserved and thus, the learned trial Court, due to non appearance of the petitioner, vide order dated 08.04.2026 issued nonailable warrants against the petitioner. He has further submitted that the petitioner had gone to Canada on 07.09.2025 and came back on 29.03.2026 and at that time, he was not aware about the registration of the FIR. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him. He has thus submitted that the impugned orders being unsustainable in the eyes of law deserve to be set aside.

3. Notice of motion to official respondent No.1, at this stage.
4. On the asking of the Court, Mr. K. D. Sachdeva, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He,



on the other hand, has contended that the non bailable warrants were rightly issued against the petitioner, as he failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in a case bearing FIR No.79, dated 16.07.2024, under Sections 325, 323, 427, 34 of IPC, registered at Police Station Nathana, District Bathinda, in which, due to his non-appearance before the learned trial Court, non bailable warrants were issued against him. The reason given by the petitioner for his absence is that he was not aware about the registration of the FIR as he was nominated in the same after about 01 year by the supplementary statement recorded by the complainant. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned orders dated 27.11.2025 (Annexure P-12), 03.01.2026 (Annexure P-15), 02.02.2026 (Annexure P-16), 05.03.2026 (Annexure P-19) and order dated 08.04.2026 (Annexure P-22) passed by the learned Judicial Magistrate Ist Class, Bathinda, are hereby *set aside* subject to payment of costs of Rs.15,000/- to be deposited with **the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh** by the petitioner within a period of 07 days from the receipt of certified copy of this order. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from the date of certified copy of this order and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in



accordance with law. The petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 27.11.2025 (Annexure P-12), 03.01.2026 (Annexure P-15), 02.02.2026 (Annexure P-16), 05.03.2026 (Annexure P-19) and order dated 08.04.2026 (Annexure P-22) passed by the learned Judicial Magistrate Ist Class, Bathinda would come in force and the present petition would be deemed to have been dismissed.

07.05.2026

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE