



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-28733-2026 (O&M).
Date of Decision: 20.05.2026.**

Amarjit Singh Udhowali

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Amarjit Singh Udhowali, aged 43 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 21.04.2026 (Annexure P-5), whereby Court of learned Additional Sessions Judge, Rupnagar (trial Court) has cancelled the bail and then issued non-bailable warrants on account of non-appearance of the petitioner in case FIR No.85 dated 08.08.2019 under Sections 21, 22 of NDPS Act, registered at Police Station City Morinda, District Rupnagar.

2. Learned counsel for the petitioner submits that FIR in the present case was registered against the petitioner on 08.08.2019 and thereupon he was granted bail on 25.09.2019 and thereafter challan was presented on 22.10.2019. After getting bail, petitioner never defaulted in putting appearance before the trial Court. However, on account of his absence only on

21.04.2026 at the time when the case was called in the Court, though earlier petitioner was present as recorded in the order itself, bail granted to him was cancelled and non bailable warrants were issued against him. Counsel contends that in fact petitioner does not understand the complicity of the law and to his understanding, matter had been adjourned and, therefore, he left for his residence which is at a distance of around 200 Kms from the Court premises. The petitioner is ready to appear before the Court and join proceedings with the undertaking that in future he would remain present before the trial Court on each and every date of hearing and would not absent himself. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

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 his 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.

6. 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.

7. Primary object of every Court is only to examine the commission of 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.

8. 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.

9. 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).

10. I have considered the submissions of both the sides and examined the relevant material available on record.

11. 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.

12. Accordingly, plea of the petitioner is accepted. Impugned order dated 21.04.2026 (Annexure P-5) is set aside to the extent of issuance of non-bailable warrants, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **05.06.2026**.

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 his conduct.

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

(SANJAY VASHISTH)
JUDGE

20.05.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No