



CRM-M-33404-2026

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

Sr. No.152

CRM-M-33404-2026
Date of Decision: 10.06.2026

KASHI @ BATAARI

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Davinder Singh Saini, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 528 of the BNSS (corresponding to Section 482 Cr.P.C.), seeking quashing of the impugned order dated 10.02.2026 (P-4) passed by the learned Additional District & Sessions Judge, Amritsar, whereby the petitioner's bail was cancelled, his bail and surety bonds were forfeited to the State, and non-bailable warrants were directed to be issued. The petitioner also seeks quashing of the subsequent order dated 08.05.2026 (P-5) passed by the same court in case bearing No. SC-602-2024 titled *State of Punjab vs. Kashi*, whereby fresh non-bailable warrants for the petitioner's arrest were issued. The said proceedings arise out of FIR No. 0027 dated 08.02.2024 registered under Sections 379B, 411, and 34 of the IPC, 1860 (corresponding to Sections 304(1)(2), 317(2), and 3(5) of the BNS), at Police Station Gate Hakima, District Police Commissionerate, Amritsar.



2. Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the learned Trial Court. However, on account of unavoidable circumstances, he could not appear before the Court on 10.02.2026 as he had noted an incorrect date of hearing. It is further submitted that the learned Trial Court has wrongly and illegally passed the orders dated 10.02.2026 and 08.05.2026.

3. It is, therefore, contended that the petitioner's non-appearance was neither deliberate nor intentional, and being aggrieved by the impugned order, he has approached this Court by way of the present petition. It is prayed that the impugned orders be quashed on the ground that the petitioner's absence was unintentional.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. On the asking of the Court, Mr. Sahil Chowdhary, AAG, Punjab accepts notice for the respondent-State and submits that the impugned orders have been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In the present case, the petitioner did not appear before the learned Trial Court on 10.02.2026 and



ultimately on 10.02.2026 his bail stand cancelled and his bonds/surety bonds were also forfeited to State followed by issuance of non-bailable warrants of arrest. By filing the present petition, the petitioner has shown his intention to submit before the learned Trial Court.

9. The sole purpose of issuance of bailable/non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

10. Considering the totality of circumstances, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned orders dated 10.02.2026 and 08.05.2026 are set aside to the extent of cancellation of bail and issuance of non-bailable warrants only. The petitioner shall be released on bail in the event he appears before the learned trial court within a period of 10 days from today, subject to payment of costs of ₹5,000/- to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh.

11. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.

12. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, this order shall be deemed to be vacated.



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- 13. With aforementioned terms, present petition stands disposed of.
- 14. All pending miscellaneous application(s), if any, stands disposed of.

10.06.2026
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(MANDEEP PANNU)
JUDGE

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