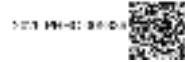


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CRM-M-72579-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-72579-2025
Date of decision: 16.01.2026

RAJ KUMAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Anureet Singh Sidhu, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for the petitioner.

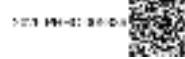
.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 04.06.2025 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Samana in case bearing FIR No.0186 dated 14.10.2017 registered under Section 61 of the Punjab Excise Act, 1914 at P.S. Samana, District Patiala, whereby non-bailable warrants of arrest were issued against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. However, on 04.06.2025 the petitioner could not appear before the learned Trial Court as inadvertently he had noted down wrong date of the case. Subsequently, on 04.06.2025 itself, his non-bailable warrants were issued.

3. Learned counsel for the petitioner *inter alia* contends that non-



aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.

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

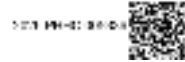
5. Notice of motion.

6. Mr. Adesh Pal Singh, AAG, Punjab who is present in Court, accepts notice for the respondent-State and submits that the impugned order has 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 on 04.06.2025 before the learned Trial Court and ultimately on 04.06.2025 itself, non-bailable warrants were issued. 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 order dated 04.06.2025 (Annexure P-2) is set aside to the extent of issuance of non-bailable warrants only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 31.01.2026.

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.

13. With aforementioned terms, present petition stands disposed of.

16.01.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |