



CRM-M-47521-2025(O&amp;M)

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

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CRM-M-47521-2025(O&amp;M)

Date of decision: 29.08.2025

Madan Lal and another

..... Petitioner

VERSUS

State of Punjab and another

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Pranshul Dhull, Advocate, for the petitioners.

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**KIRTI SINGH, J. (Oral)**

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 11.06.2025 (Annexure P-1), passed by learned Chief Judicial Magistrate, Sri Muktsar Sahib in case bearing FIR No.172 dated 28.05.2020, under Sections 498-A and 34 IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab vide which non bailable warrants have been issued against the petitioners.

2. Learned counsel, while narrating the facts of the instant case submits that challan in the instant case was presented against the petitioners, who are the parents in law of the complainant, on 10.11.2022. It is submitted that a perusal of the zimini orders of the trial court reveals that notices to the petitioners were either not issued, or were received back as being unserved. Similarly, the bail warrants subsequently issued were received back unserved. It was only in the order dated 11.06.2025 that it was recorded that the bailable warrants issued to petitioner No.1 was received back with the report of intimation at the given address. It was thus that non bailable warrants were issued against the petitioner for 11.08.2025.



3. It is submitted that the petitioner was not aware of the proceedings being issued against them. It was for the first time that the bailable warrants issued against the petitioners vide order dated 02.05.2025 were received back with the report of service at the correct address, whereafter the learned Trial Court proceeded to issue non bailable warrants against the petitioners. Learned counsel submits that the non appearance of the petitioners was neither willful nor intentional. In fact, petitioner No.2 is suffering from serious medical ailments and does not keep in good health. The petitioners are ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon them by the trial Court.

4. Notice of motion.

5. At asking of the Court, Ms. Guramrit Kaur, DAG, Punjab, accepts notice on behalf of respondent-State.

6. Heard.

7. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

8. On hearing learned counsel for the petitioners and perusing the record, it is apparent that the petitioners were granted bail by the trial Court. A perusal of the zimini orders reveals that only the bailable warrants issued against the petitioners vide order dated 02.05.2025 were received back with the report of service at the correct address, subsequent to which non bailable warrants were issued against the petitioners vide impugned order dated



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11.06.2025. The petitioners have submitted that they are ready to appear before the trial Court and face the trial.

9. This Court finds that in the circumstance when the petitioners are willing to appear before the learned Trial Court and have sought an opportunity for the same, no useful purpose will be served by sending them in custody

10. In view of the above, the present petition is allowed. Order dated 11.06.2025 (Annexure P-1) along with proceedings emanating therefrom are hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within two weeks from today. The petitioners after depositing the cost as stated above would appear before the trial Court within a subsequent period of 10 days and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioners on bail bonds and surety bonds subject to its satisfaction. No coercive action would be taken against the petitioners till then. In case, the petitioners fails to appear before the trial Court within the stipulated time or fail to deposit the cost as stated above, this order would be of no avail to them.

11. Pending application(s), if any, shall also be disposed of accordingly.

**(KIRTI SINGH)**  
**JUDGE**

29.08.2025

*Kapil*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No