



CRM-M-52744-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-52744-2025 (O & M)
Date of decision: 18.09.2025

ALI KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None appears due to the letter circulated by the
Bar Association.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 12.09.2024, Annexure P-3, passed by learned Addl. Sessions Judge, District Amritsar, vide which bail of the petitioner was cancelled and warrant of arrest was issued against him in FIR No.11 dated 12.01.2021, registered at Police Station Chheharta, District Amritsar, under Sections 379-B, 34, 201, 411, 379 and 473 IPC and Sections 25, 54, 59 of Arms Act.

2. As per the averments, the petitioner was initially granted bail, vide order dated 25.05.2022, whereafter he continued to regularly appear before the trial Court, but for 09.02.2024, 03.06.2024 and 12.09.2024, following which his bail was cancelled and warrant of arrest was issued. The reason of non-absence is the communication gap with his

learned counsel representing him. The petitioner is ready and willing to join the proceedings on or before the next date of hearing which is 01.10.2025.

3. Perused.

4. The very purpose of issuance of warrant of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

5. The present petition has been filed on 15.09.2025 and warrant has been issued for 01.10.2025, which reflects the *bona fide* of the petitioner to join the proceedings.

6. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

7. Reverting to the facts of the present case, the reason for non-appearance of the petitioner that led to the passing of the impugned order, appears to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such

an absence cannot necessarily be construed as deliberate and wilful.

8. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

9. As a consequence of the aforesaid, the impugned order dated 12.09.2024, Annexure P-3, is set aside and the petitioner is directed to surrender before the trial Court on or before 01.10.2025 and deposit Rs.10,000/- as costs with the Punjab and Haryana High Court Employees Welfare Association, having account No.37167209613, High Court Branch, SBI, Chandigarh, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

10. The present petition is accordingly allowed.

11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present

petition shall be deemed to have been dismissed without any reference to this Court.

18.09.2025

parveen kumar

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No