



283(2) IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-64428-2024 (O&M)  
Date of Decision: 08.05.2025

MAJOR SINGH

...Petitioner

V/S

STATE BANK OF INDIA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Sidhu, Advocate  
for the petitioner.

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**HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashing of impugned order dated 26.07.2024 passed by learned Additional Sessions Judge, Patiala (Annexure P-7), whereby bail order of the petitioner is cancelled and proclamation has been issued against the petitioner in case stemming from CRA/821/2018 dated 05.07.2018 titled as *Major Singh Vs. State Bank of India* arising out of judgment dated 07.06.2018 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Patiala in case COMA/3000/2016 dated 26.08.2016 titled as *State Bank of India Vs. Major Singh* under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner submits that the petitioner is an agriculturist/farmer and he was busy in harvesting the crops through combines etc. in different State and due to which he could not appear before the lower Appellate Court within the stipulated period. However, when the petitioner appeared before the aforementioned Court on 14.12.2023, non-bailable warrants were issued against him due to his non appearance. Thereafter, the matter was fixed for 11.03.2024, 18.05.2024, 26.07.2024, but due to non-executing the non bailable warrants, proclamation of petitioner was ordered to be issued. Thereafter, vide order dated 13.08.2024 fresh



proclamation was issued against the petitioner for 23.10.2024 and on 23.10.2024, case was adjourned to 18.11.2024 for awaiting appearance of the petitioner and on 18.11.2024, the case was adjourned to 10.12.2024 and on 10.12.2024, case was adjourned to 18.01.2025.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, 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 Court below on each and every date.

5. 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.

6. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

7. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.



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

9. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 26.07.2024 (Annexure P-7), vide which proclamation has been issued against the petitioner and his bail order/stood cancelled, is hereby set aside.

10. Petitioner is directed to appear before the Court below within a period of four weeks from today and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the Court below, along with costs of Rs. 10,000/- to be deposited with Poor Patients Welfare Funds, PGIMER, Chandigarh for wasting precious time of the Court.

11. The receipt of payment of costs imposed must be presented before learned Court below. The learned Court below is directed to grant bail to the petitioner only upon verification of payment of said cost.

12. It is made clear that in case, petitioner fails to appear before the Court below within a stipulated period and to deposit the aforesaid cost, the interim protection granted by this Court shall be deemed to be vacated.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**08.05.2025**

*Ajay Goswami*

*Whether speaking/reasoned  
Whether Reportable*

*Yes/No  
Yes/No*