

CRM-M-27740-2022 (O&M) &
CRM-M-27741-2022 (O&M)

1 2025:PHHC:116873



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291(2 cases)

CRM-M-27740-2022 (O&M) &
CRM-M-27741-2022 (O&M)
Date of Decision: 28.08.2025

SANJEEV KUMAR @ SANJIV KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND ANR.

...Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhinav Aggarwal, Advocate for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. The present petitions have been filed under Section 482 of Code of Criminal Procedure for quashing of the impugned interim orders dated 22.03.2022 & 23.03.2022, passed by the learned Additional Sessions Judge, Karnal in CRA No.177 of 2019 & CRA No.178 of 2019, respectively.

2. The Coordinate bench on 13.07.2022 in CRM-M-27740-2022 passed the following order:-

"It has been submitted by learned counsel for the petitioner that the petitioner was convicted by the learned trial Court in a proceeding under Section 138 of the Negotiable Instruments Act pertaining to an amount of Rs.15 lacs. He further submitted that earlier the petitioner was granted bail but since he jumped the bail and warrants of arrest were issued against him by the learned Lower Appellate Court before which the appeal was pending but he filed a petition for anticipatory bail before this Court in CRM-M-49582-2021 vide Annexure P-4, the same was dismissed by this Court on 26.11.2021 and thereafter, he assailed the aforesaid order passed by this Court before the Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No.9520 of 2021 wherein vide order dated 13.12.2021, the Hon'ble Supreme Court had directed that in the meanwhile, no coercive steps shall be taken against the petitioner. However, the issuance of notice by the Hon'ble Supreme Court was subject to the condition of production of the proof of deposit of the amount of



Rs.7.5 lacs. Thereafter, the petitioner had submitted the said proof before the Supreme Court and consequently, notice was issued and he referred to the orders of the Hon'ble Supreme Court before the Registrar dated 11.01.2022 which shows that notice was issued to the respondent. He further submitted that in this way the orders passed by the Hon'ble Supreme Court on 13.12.2021 while directing that no coercive steps shall be taken against the petitioner is still in operation.

Learned counsel for the petitioner has further referred to the orders passed by the learned Additional Sessions Judge, Karnal dated 09.02.2022 in which reference has been made to the orders passed by the Hon'ble Supreme Court and the petitioner was released on bail. However, now on 22.03.2022, the learned Additional Sessions Judge, Karnal has cancelled the bail bonds and discharged the surety bonds on the ground of absence of the petitioner from the Court and thereafter, warrants of arrest have been issued against the petitioner vide aforesaid impugned order dated 22.03.2022 (Annexure P-6). He also submitted that once the orders passed by the Supreme Court whereby it was directed that in the meanwhile, no coercive steps shall be taken against the petitioner is still in operation, the learned Additional Sessions Judge, Karnal could not have passed any orders for issuance of warrants of arrest against the petitioner and it is totally in violation of the orders passed by the Hon'ble Supreme Court.

Notice of motion for 24.08.2022.

In view of the aforesaid position, the operation of the impugned order dated 22.03.2022 (Annexure P-6) shall remain stayed.

In view of the aforesaid factual position stated by the learned counsel for the petitioner, the District & Sessions Judge, Karnal is directed to submit a report after taking comments from the concerned officer in this regard.

Copy of this order be sent to the District and Sessions Judge, Karnal forthwith”.

3. Learned counsel for the petitioner submits that the petitioner was unable to appear on 22.03.2022 & 23.03.2022 on account of communication gap between him and his learned counsel. The bail of the petitioner was cancelled and bonds forfeited to the State and non-bailable warrants had been issued. He is ready and willing to join the proceedings and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs. He has also paid the amount of Rs.3.5 lakhs to the respondent/complainant.



4. Learned State counsel submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Heard.

6. The very purpose of initiation of proclamation proceedings, 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.

7. 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.

8. Reverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear 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 willful.

9. Considering the facts and circumstances of the case, judgments referred to herein above, 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.

10. As a consequence of the aforesaid, the impugned orders dated 22.03.2022 & 23.03.2022 are set aside and the petitioner is directed to surrender before the trial Court on or before 11.09.2025 and deposit Rs.10000/- as costs to be paid to the complainant, 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.

11. The present petition are accordingly allowed.

12. 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.

13. Pending application, if any, also stands disposed off.

14. Photocopy of this order be placed on the file of connected cases.

(AMAN CHAUDHARY)
JUDGE

28.08.2025

Deepak Patwal

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |