



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

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**CRM-M-24765-2025
Date of decision: 26.05.2025**

BISUN RAY ALIAS VISHNU RAI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Through the instant petition under Section 528 of BNSS, 2023, prayer is made for quashing of the impugned orders dated 15.05.2024 (Annexure P-4) and 16.04.2025 (Annexure P-6) passed in CIS No.NDPS-22033/2023, having registration date 29.11.2023 titled as State Vs. Vishnu Rai and Krishna Majhi, in FIR No.175 dated 19.09.2023, under Section 15 of NDPS Act, registered at Police Station Sadar Khanna, Police District Khanna, Distrcit Ludhiana (Annexure P-1), whereby, non-bailable warrants of arrest have been issued against the petitioner.

2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail by the learned Judge, Special Court, vide order dated 26.10.2023 (Annexure P-2). Learned counsel further submits that the



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challan was presented on 29.11.2023, and on 21.12.2023, an application for exemption from personal appearance of the petitioner was filed, and the case was adjourned to 06.02.2024 for consideration on charge. On 29.04.2024, another application for exemption from personal appearance on behalf of the petitioner was filed, and the case was again adjourned to 15.05.2024 for consideration on charge.

3. Counsel also submits that on 15.05.2024, due to non-appearance of the petitioner, non-bailable warrants were issued against him. His absence before the said Court was neither intentional nor deliberate but due to the fact that he had noted down the wrong date i.e. 16.05.2024 instead of 15.05.2024.

4. Learned Counsel finally submits that now petitioner is ready to join the process of law, however, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest. In case, one opportunity is granted, petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

5. Notice of motion.

6. Mr. Neeraj Madaan, Sr. DAG, Punjab, puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

7. In number of cases, wherein, accused stopped appearing in criminal



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cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused is declared 'Proclaimed Person'/Proclaimed Offender', after examining the facts, this Court has formulated to apply a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further instead of delaying the proceedings to await the presence of accused.

8. Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

9. Primary object of every Court is only to examine the commission of crime in question before it, *vis a vis*, the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

10. Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final



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conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case *Veena @ Veena Devi v. State of Punjab* (CRM-M-2206-2025, decided on **16.01.2025**).

11. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court due to the reasons already mentioned, and consequently, on 15.05.2024, non-bailable warrants of arrest, has been passed against him and thereafter on 16.04.2025 his bail was cancelled and bail bonds were forfeited to the State. It also cannot be left unnoticed that as and when the petitioner came to know about the passing of impugned orders, he has immediately moved the present petition, showing his inclination to submit himself before the trial Court.

12. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned orders dated 15.05.2024 (Annexure P-4) and 16.04.2025 (Annexure P-6) are hereby **set aside** to the extent of issuance of non-bailable warrants against the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 13.06.2025.

13. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings



would not be delayed because of their conduct.

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

(SANJAY VASHISTH)
JUDGE

26.05.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No