



CRM-M-45466-2025

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117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45466-2025

Date of decision: 20.08.2025

RAJESH KUMAR ALIAS VICKY HATHORI ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chetan Goyal, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
286	23.10.2020	Salem Tabri, District Ludhiana	21/29/61/85 of NDPS Act

1. Petitioner was arraigned as an accused in the above-captioned matter and was earlier granted anticipatory bail on 05.07.2023, however, due to his non-appearance after filing of challan vide order dated 19.04.2025 his bail was cancelled and he was summoned through non-bailable warrants on account of his non-appearance before the trial Court on that very day. Thereafter, he again approached the trial Court for grant of anticipatory bail, which was dismissed vide order dated 07.08.2025.

2. Petitioners' counsel submits that the point to which the petitioner want to draw the attention of this court is that the absence was not wilfull and was due to factors beyond the petitioner's control as he was not served through summon/notice nor he was aware of filing of challan before the trial Court. He further submits that he undertakes to appear on each and every date and not miss a single date and seeks quashing of order as he is unable to arrange surety in the case, he asked to furnish fresh surety bond.

3. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 528 BNSS and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. This court deems it appropriate to grant the relief to the petitioner.



4. Perusal of the order reflect that case was not at such a stage i.e. evidence or for final arguments, when petitioner would choose to absent knowingly to delay the trial. Petitioner approached this court immediately, which shows that absence was unintentional.

5. Given above, petitioner is permitted to surrender before trial Court on or before 10.09.2025 at 11.00 AM and file an application for bail. If petitioner files application for bail after surrender on or before 10.09.2025 at 11.00 AM, trial Court shall release him on bail on furnishing **usual** bonds to the satisfaction of trial Court. Petitioner shall attend each and every date of hearing and shall not contribute in delay of trial.

6. It is clarified that till 10.09.2025 at 11.00 AM, there shall be stay on his arrest; in case of failure of petitioner to surrender by the given date, this order shall stand re-called automatically without further reference to this Court.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

8. **Petition allowed subject to the compliance mentioned above.**

20.08.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No