



CRM-M-52859-2025

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

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CRM-M-52859-2025

Bhupinder Singh

...Petitioner

VERSUS

Charanjeet Kur and Anr

...Respondents

Date of Decision : 23.09.2025

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

AARADHNA SAWHNEY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 01.09.2025, Annexure P-2, passed by learned Judicial Magistrate Ist Class, Ambala, vide which bail of the petitioner was cancelled, and warrant of arrest was issued against him in complaint bearing COMA No.3040/2019 dated 11.10.2019, titled as 'Charanjit Kaur vs. Bhupinder Singh'.
2. Learned counsel submits that in pursuance of the summoning order issued against the petitioner to face trial as accused, petitioner appeared and was granted bail. Thereafter, he continued to regularly appear before the Court, however, on 01.09.2025, an application for exemption was moved on his behalf by his counsel on the ground that he (accused) is busy in a court at Naraingarh. The case was adjourned for post-lunch session and the petitioner was granted liberty to appear after lunch time. When the case was taken up after lunch, in terms of



impugned order dated 01.09.2025, the bail of the petitioner was cancelled and his presence was sought to be procured through non-bailable warrants. Learned counsel for the petitioner submits that the petitioner is willing to join the proceedings on the next date of hearing i.e 18.09.2025 and prays for grant of one opportunity to the petitioner to surrender before the trial Court, even on imposition of some costs.

3. Notice of motion.

4. At the asking of the Court, Ms. Shweta Nahata, DAG, Haryana, accepts notice on behalf of respondent No.2-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented himself from the proceedings.

5. The very purpose of issuance of warrant of arrest, is to compel and secure the presence of the accused to face trial. The present petition has been filed on 15.09.2025. Request made by the petitioner seems to be genuine.

8. 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.

9. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 01.09.2025, Annexure P-2, is set aside subject to the petitioner paying costs of Rs.5,000/- to respondent No.1-complainant. Petition is disposed of with a



direction to the petitioner to appear before the court concerned on the next date of hearing. In case, he surrenders before the court concerned on the next date of hearing, 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.

12. The present petition is accordingly allowed.

13. 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.

(AARADHNA SAWHNEY)
JUDGE

23.09.2025

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>