



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

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CRM-M-55264-2025
Date of decision: 30.09.2025

Kamlesh Chaudhary

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Anil Kumar Malik, Advocate for the petitioner.

AARADHNA SAWHNEY, J.(ORAL)

1. The present petition has been filed under Section 528 of BNSS, for quashing the order dated 20.05.2025, Annexure P-2, passed by learned Additional Sessions Judge, Panipat, vide which the presence of the petitioner be secured through warrants of arrest in case FIR No.334 dated 19.08.2023 registered against him for commission of offences punishable under Sections 17(b), 27 and 61 of NDPS Act at Police Station Sector 13/17, District Panipat.

2. Learned counsel submits that petitioner was granted the concession of bail by the trial Court vide order dated 20.10.2023 and that since then he had been continuously appearing before the learned trial Court on each and every date. However, on 20.05.2025, on account of unavoidable circumstances, Petitioner could not appear in the Court, as also that though he informed his counsel but no application for exemption was moved. Learned counsel further submits that in the light of facts mentioned above, it is quite apparent that non-appearance of the petitioner was unintentional. With this backdrop, it has been prayed that the order dated 20.05.2025 be set aside.

3. Heard. Documents on record perused.



4. 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 non-appearance of petitioner, 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.

5. Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served a summons or if they are likely to abscond. Courts issue NBWs as a last resort, after first attempting to secure attendance through summons and bailable warrants.

6. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 20.05.2025, Annexure P-2, is set aside. 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.

7. 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.

However, proceedings against surety will continue.

**(AARADHNA SAWHNEY)
JUDGE**

30.09.2025

Hemant

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