
(2026) 08 P&H CK 0479
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42767-2026

Balkar Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Mines and Minerals (Development and Regulation) Act, 1957 — Section 21(1)
Indian Penal Code, 1860 — Section 379, 279, 188
Disaster Management Act, 2005 — Section 51(b)
Epidemic Diseases Act, 1897 — Section 3

Citation : (2026) 08 P&H CK 0479

Hon'ble Judges : Manisha Batra, J

Bench : Single Bench

Advocate : Mr. Ankit Gupta, Advocate for the petitioner. Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Final Decision : disposed of

Judgement

Though a request for adjournment has been circulated on behalf of learned counsel for the petitioner, however, he has appeared through video conferencing and made his submissions in the present petition filed for quashing of the order dated 10.10.2023 passed by the learned Sub Divisional Judicial Magistrate, Garhshankar, in a case arising out of FIR No.162 dated 24.08.2020, registered under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, Sections 379, 279 and 188 of the IPC, Section 51(b) of the Disaster Management Act, 2005 and Section 3 of the Epidemic Diseases Act, 1897 at Police Station Garhshankar, District Hoshiarpur, Punjab, whereby non-bailable warrants of arrest were ordered to be issued against him and, as on date, fresh warrants continue to be issued against him.

2. It is submitted by learned counsel for the petitioner that the petitioner was granted the concession of anticipatory bail by the learned trial Court on 03.09.2020. Thereafter, the outbreak of COVID-19 took place. The challan was presented directly before the learned trial Court on 21.12.2022 in the absence of

the petitioner. Thereafter, he neither received any notice nor any warrants. His absence was neither intentional nor wilful, but was on account of lack of knowledge regarding the presentation of the challan. He has now come to know about the issuance of non-bailable warrants against him. He is ready and willing to join the proceedings before the learned trial Court. It is, therefore, argued that the present petition deserves to be allowed.

3. Notice of motion.

4. Learned State counsel has received advance notice of the petition and is ready to argue the matter. She submits that there is no illegality or infirmity in the impugned order passed by the learned trial Court. She further submits that the non-bailable warrants were issued solely on account of the petitioner's non-appearance before the learned trial Court. It is, therefore, argued that the present petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. Admittedly, the petitioner was granted the concession of anticipatory bail by the learned Additional Sessions Judge, Hoshiarpur, vide order dated 03.09.2020. After presentation of the challan, he failed to appear before the learned trial Court. It is submitted by learned counsel for the petitioner that the concession of anticipatory bail granted to him has not been cancelled by the learned trial Court and in such circumstances, if the petitioner appears before the learned trial Court, he may be permitted to join the proceedings. Keeping in view the aforesaid fact this Court is of the considered opinion that the petitioner deserves some leniency in the matter. Since the petitioner apprehends his arrest pursuant to the issuance of non-bailable warrants, the present petition is disposed of with a direction to the petitioner to surrender before the learned trial Court within a period of 15 days from today. On his doing so, the learned trial Court shall permit him to join the proceedings and shall not take any coercive steps against him, subject to any order that may be passed by the learned trial Court in accordance with law.

7. Ordered accordingly.