



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

(140)

CRM-M-47684-2026 (O&amp;M)

Date of Decision: **26.08.2026**

MEHBOOB

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present:- Ms. Sweta Beniwal, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, Addl. AG, Haryana.

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**VIRINDER AGGARWAL, J.** (Oral)

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.), praying for quashing of the impugned order dated 21.05.2026 (**Annexure P-4**), whereby the bail granted to the petitioner was cancelled and warrants of arrest were issued on account of his non-appearance on the date fixed before the learned Additional Sessions Judge, Yamuna Nagar. The proceedings emanate from FIR No. 03 dated 03.01.2021, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Chhapar, District Yamuna Nagar (**Annexure P-1**), with Section 29 of the NDPS Act having subsequently been added in the final report.
2. Brief facts giving rise to the filing of the instant petition are that the petitioner has invoked the inherent jurisdiction of this Court under



Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the legality and propriety of the impugned order dated 21.05.2026 (**Annexure P-4**), whereby the bail earlier granted to the petitioner came to be cancelled and he was directed to be summoned through non-bailable warrants of arrest on account of his non-appearance on the date fixed before the learned Additional Sessions Judge, Yamuna Nagar, in proceedings arising out of the aforesaid FIR (**Annexure P-1**). The petitioner seeks indulgence of this Court for exercise of its inherent jurisdiction, contending that the impugned order, in the facts and circumstances of the case, warrants interference. Hence, the present petition.

3. Learned counsel for the petitioner contends that the petitioner was already on bail in the present case; however, owing to his non-appearance on the date fixed, the learned Court below proceeded to cancel the bail granted to him and ordered his summoning through warrants of arrest. It is submitted that the absence of the petitioner was neither deliberate nor wilful, but occurred on account of a *bona fide* and inadvertent mistake, inasmuch as he had erroneously noted the date fixed for the proceedings and, consequently, could not appear before the learned Trial Court on the date in question. It is, thus, urged that the petitioner's absence was attributable to circumstances beyond his control and was not intended to evade or obstruct the proceedings. Learned counsel accordingly prays that the impugned order dated 21.05.2026 be quashed and the present petition be allowed.

4. Notice of motion.



5. Upon receipt of advance notice, Mr. Ramesh Kumar Ambavta, Addl. AG, accepts notice on behalf of the State of Haryana. Learned State counsel, while placing reliance upon the impugned order, submits that the petitioner, having failed to appear before the learned Trial Court on the date fixed, was under an immediate obligation to approach the learned Trial Court without any undue delay and furnish a cogent and satisfactory explanation for his non-appearance. It is further contended that the petitioner, instead of promptly seeking appropriate redressal before the learned Trial Court, allowed the matter to proceed and has thereafter invoked the jurisdiction of this Court. On the strength of the aforesaid submissions, learned State counsel submits that no indulgence is warranted in the facts and circumstances of the case and, accordingly, prays for dismissal of the present petition.

6. Having heard learned counsel for the parties and upon meticulous perusal of the paper book, this Court finds no merit in the explanation advanced on behalf of the petitioner. Even assuming, arguendo, that the petitioner had inadvertently noted an incorrect date of hearing, such inadvertence cannot, by itself, justify his subsequent and prolonged inaction.

6.1. Admittedly for the sake of arguments the petitioner had noted 25.05.2026 as the date fixed in the matter. Upon expiry of the said date, he was expected to exercise due diligence and forthwith ascertain the status of the proceedings and take appropriate steps before the learned Trial Court or, if warranted, approach this Court without avoidable delay.



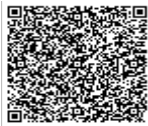
Instead, the petitioner remained inactive and made no endeavour to account for his absence.

6.2. The matter was thereafter adjourned by the learned Trial Court to 04.07.2026, 04.08.2026 and, subsequently, 24.08.2026. Despite the intervening period and successive dates, the petitioner did not seek any redressal and approached this Court only on 21.08.2026. The chronology, therefore, does not reflect a solitary or momentary lapse attributable to an inadvertent noting of the date; rather, it discloses continued inaction on the part of the petitioner, which materially undermines the *bona fides* of the explanation now sought to be furnished.

6.3. Even if the plea of having noted an incorrect date is accepted for the sake of argument, the petitioner has furnished no cogent or convincing explanation for his failure to approach the learned Trial Court immediately thereafter. The absence of any prompt remedial action, coupled with his continued inaction, renders the plea of *bona fide* inadvertence unpersuasive. The petitioner has thus failed to demonstrate any compelling circumstance warranting exercise of the discretionary and inherent jurisdiction of this Court in his favour.

6.4. In the conspectus of the aforesaid facts, this Court finds no patent illegality, perversity, jurisdictional error or material infirmity in the impugned order warranting interference in exercise of its inherent jurisdiction. The present petition is, accordingly, devoid of merit and is **dismissed**.

7. It is, however, clarified that the observations made herein are confined to the petitioner's non-appearance and the consequential order



impugned herein and shall not be construed as an expression of opinion on the merits of the case.

8. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of accordingly. No separate or further orders are required to be passed in respect thereof.

26.08.2026  
Gaurav Sorot

( VIRINDER AGGARWAL )  
JUDGE

|                              |          |
|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |