



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

124

CRM-M-6208-2025

Decided on : 04.02.2025

Dinesh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jitesh Bhardwaj, Advocate for
Mr. Sudhir Rana, Advocate, for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 BNSS, petitioner is seeking quashing of order dated 03.01.2025 (Annexure P-2), whereby, bail granted to the petitioner is cancelled and non-bailable warrants of arrest has been issued on account of non-appearance on 03.01.2025 before the Court, in case FIR No. 396, dated 17.10.2021, under Sections 21-A and 27-A of the NDPS Act, 1985, registered at Police Station Rewari City, district Rewari.

2. Learned counsel for the petitioner submits that petitioner – Dinesh moved an application before the learned Trial Court for seeking exemption from his appearance on account of the fact that he is suffering from fever, vomiting and loose-motions. However, said application was dismissed by the learned Trial court on account of the fact that it was not supported by any medical certificate/record. While declining the said application, it was considered that on the previous date of hearing i.e. on 29.11.2024 also, an application for seeking personal exemption, was moved by the petitioner.

Learned counsel further contends that on the same day, co-accused – Aakash @ Akash Singh, was also absent and on that account, his bail was also cancelled by the learned Trial Court vide common order dated 03.01.2025 (P-2). Further submits that vide order dated 14.01.2025 (Annexure P-3), passed by this Court in CRM-M-1191-2025 (O&M), titled as, “Aakash @ Akash Singh v. State of Haryana”, while considering all the facts, this Court directed that if the petitioner therein i.e. Aakash @ Akash Singh, on his own appears before the learned Trial Court on or before 20.01.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the Trial Court.

3. Learned counsel for the petitioner submits that said accused has already appeared before the learned Trial Court. Therefore, learned counsel expressed his inclination that in case similar opportunity is afforded to the petitioner to appear and then to grant him bail, subject to payment of some cost, he undertakes that in all the future proceedings of the present case, he will never be absent from the Court except on obtaining prior permission of the Court and will fully cooperate in the Court proceedings for early completion of trial.

4. Notice of motion.

5. On advance notice Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

6. I have heard learned counsel for the parties and perused the

relevant material on record. It is evident that petitioner was regularly attending the proceedings before the learned Trial Court, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, even on payment of some cost with certain conditions.

7. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

8. Therefore, in the totality of circumstances and placing reliance upon the order passed by this Court in the case of Hardeep Kumar Saini @ Bhola Vs. State of Punjab (CRM-M-737-2025, decided on 10.01.2025), I am of the opinion that granting the petitioner an opportunity to appear before the trial Court, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

9. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on or before 10.02.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, the said opportunity shall be subject to the payment of

Rs.10,000/- as costs, to be deposited with the **Bhagwad Bhakti Ashram, Rewari.**

10. It is made clear that the concession of bail would be available to the petitioner only upon furnishing of valid proof of payment of cost amount of Rs.10,000/-, in the aforesaid manner, failing which the present order would become inoperative.

11. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 03.01.2025 (Annexure P-2) and the subsequent orders would become inoperative *qua* the petitioner.

12. **Present petition stands disposed of accordingly.**

(SANJAY VASHISTH)
JUDGE

February 04, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*