



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

134

CRM-M-7116-2025  
Decided on : 17.02.2025

Jitender Singh @ Rajiv  
Versus  
State of Haryana  
... Petitioner(s)  
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rishab Bhandari, Advocate  
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 15.10.2024 (Annexure P-7), whereby the non-bailable warrants have been issued against him (accused), on account of his non-appearance in the following FIR:-

| FIR No. | Date       | Section(s)                                                                                                                                                                                                    | Police Station  | District   |
|---------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|
| 380     | 29.10.2021 | 15(2), (4) and 16 of the Petroleum and Minerals Pipelines Act, Section 3 & 4 of the Explosive Substances Act; Section 379, 427, 201 of IPC and Sections 3 & 4 of the Prevention Damage to Public Property Act | Sadar Fatehabad | Fatehabad. |

2. FIR was registered way-back on 29.10.2021 and subsequently, petitioner was granted regular bail by this Court vide order dated 15.12.2022 (Annexure P-4), passed in CRM-M-51845-2022 & other connected cases, titled as, “Jitender @ Rajeev vs. State of Haryana” by making compliance of

the direction, petitioner had been appearing on each and every date up-till the time, except on 15.10.2024.

3. By referring the residential address of the petitioner, learned counsel for the petitioner submits that actually petitioner is resident of a very far area i.e. 'H.No.18, Laigaon, Midiyan, Kutubpur, PO Kutukpur, Distt. Mainpuri, Uttar Pradesh – 206303' and due to the ill financial conditions, he was facing hardships in day-to-day life to look after his family members.

Further, submits that the petitioner had been appearing on every date fixed before the trial Court, as per terms and conditions of the bail order. Therefore, in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. Notice of motion.

5. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel further appraise the illegal conduct of the petitioner and submits that petitioner would absent himself for the purpose of delaying the trial.

6. In number of cases, this Court has considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed 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 litigation, 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.”*

*[see: Ashish Kumar Honda @ Ashish Handa v. State of Punjab, Law Finder Doc Id # 2038111; and Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)]*

7. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date i.e. on 15.10.2024, when impugned order cancelling the bail and issuance of warrants of arrest, has been passed against him. It also cannot be left unnoticed that within four months of the absence from the Court, and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

8. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is **set aside** to the extent of issuance of non-bailable warrants against the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 06.03.2025.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also 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, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be

deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

9.               **With aforementioned terms, present petition stands disposed of.**

**(SANJAY VASHISTH)**  
**JUDGE**

**February 17, 2025**  
*J.Ram*

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