



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12210-2025 (O&M)
Date of decision: 05.03.2025

Sandeep and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Shweta Bawa, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023, for quashing of order dated 14.02.2025 passed by learned Additional Sessions Judge, Bhiwani in case SC No.135 of 2020, titled as “State vs Sandeep, etc.” arising out of FIR No.162 dated 02.06.2020 registered under Sections 323, 34, 341, 379-B, 427 IPC at Police Station Siwani, District Bhiwani, vide which bail order of the petitioners was cancelled and their bail/surety bonds were forfeited to the State and non-bailable warrants have been issued.

2. Learned counsel appearing for the petitioners, *inter alia*, contends that the petitioners were regularly appearing before the learned trial Court on each and every date of hearing, however, after a period of 05 years, they were falsely implicated in another FIR No.12 dated 15.01.2025 under Section 303 of BNS, 2023, Police Station Adampur, District Hisar and they were taken into police custody and thereafter,

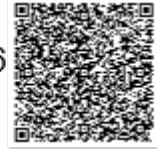


they were sent in judicial custody on 14.02.2025 at Central Jail-I, Hisar by learned jurisdictional Court. The learned counsel for both the petitioners were having information regarding the arrest of the petitioners in FIR No.12 dated 15.01.2025 and filed an application for producing the petitioners on production warrants from Central Jail-I, Hisar before the learned trial Court. Thereafter, a report from the Central Jail-I, Hisar was sought and on receiving the report that the petitioners are not confined in Central Jail-I, Hisar, the learned Additional Sessions Judge, vide order dated 14.02.2025, cancelled the bail of the petitioners and issued non-bailable warrants against them.

3. Learned counsel appearing for the petitioners submits that the non-appearance of the petitioners was not deliberate and intentional and thus, aggrieved by the said order, they have approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioners on account of their arrest in some other FIR. It is also submitted that both the petitioners undertake to appear before the trial Court on each and every date.

4. Notice of motion.

5. Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice for the respondent and submits that the impugned order has been passed on the sole ground of the absence of the petitioners, however, it is not disputed by her that petitioners were already on bail and had been regularly appearing before the learned trial Court.



6. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

7. A perusal of the order dated **14.02.2025** reflects that the learned trial Court proceeded to pass the extreme order of cancellation of bail. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and wilful absence. The explanation offered for non-appearance before the trial Court is justified and, therefore, the same is accepted.

8. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

9. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the learned trial Court. The petitioners in the present case have themselves come forward and have undertaken to appear before the learned trial Court on each and every date.

10. In view of the aforesaid facts and circumstances, the



present petition is allowed. The impugned order dated **14.02.2025**, vide which bail order of the petitioners was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants were issued, is hereby set aside.

11. The petitioners are directed to appear before the learned trial Court within a period of 02 weeks from today and on doing so, they shall be admitted to bail on furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, along with costs of Rs.10,000/- (Rs.5,000/- each) to be deposited with PGIMER Poor Patient Welfare Fund, Chandigarh, for wasting precious time of the Court.

12. The receipt of payment of costs imposed upon the petitioners must be presented before learned trial Court. Learned Court below is directed to grant bail to the petitioners only upon verification of the payment of said costs.

13. However, in case, the petitioners fail to surrender before the learned trial Court within the stipulated time period, the interim protection granted by this Court, shall be deemed to be vacated.

(HARPREET SINGH BRAR)
JUDGE

05.03.2025
yakub

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