



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

265

CRM-M-26715-2023 (O&M)
Date of decision: 18.09.2025

Vishal Marwah

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None appears due to letter circulated by Bar Association

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 18.04.2023, whereby the bail granted to the petitioner has been cancelled and bail and surety bonds have been forfeited as also warrant of arrest had been issued by learned Additional Sessions Judge, Karnal in Session Case No.173 of 2022 titled as State of Haryana vs. Vishal Marwah.

2. As the averments made in para 5 of the present petition reveal that the matter was compromised between the parties and an affidavit was also sworn in by the complainant dated 16.11.2020, Annexure P-2 that he does not want any further action in the FIR and on basis whereof co-accused Harpreet Singh had filed quashing petition by this Court bearing CRM-M-4313-2021. The petitioner was also granted anticipatory bail by this Court vide order dated 10.01.2022, Annexure P-3 as stated in para 7 of the petition, thereafter, he appeared before the trial Court and was granted regular bail, whereupon he continued to appear



regularly but for 18.04.2023 as he is suffering from fever and being resident of Delhi was unable to travel. An application seeking exemption from personal appearance giving the aforesaid reason was also filed, however, the same was rejected and his bail was cancelled and his bail bonds and surety bonds forfeited vide order dated 18.04.2023. Thus, his non-appearance was neither intentional nor deliberate but due to the aforesaid bona fide reason. This Court vide order dated 25.05.2023 had directed the trial Court to adjourn the proceedings beyond the date fixed in the present case. The petitioner is ready to appear before the trial Court as stated in para 12 of the petition.

3. Notice of motion.

4. ASI Pawan Kumar appears and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Perused.

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his



counsel in not intimating the same.

8. Reverting to the facts of the present case, the reason for non-appearance of the petitioner that led to the passing of the impugned order, appears to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful.

9. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

10. As a consequence of the aforesaid, the impugned order dated 18.04.2023 is set aside and the petitioner is directed to surrender before the learned Appellate Court on or before 14.10.2025 and deposit Rs.10000/- as costs with the Pingalwada, Chandigarh having its account No.01562010003720, IFSC Code PUNB0052300 with account name i.e. All India Pingalwara Charitable Society (Regd.), Amritsar, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the learned Appellate Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

11. The present petition is accordingly allowed.



12. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

18.09.2025
M.Kamra

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