



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

**CRM-M-30419-2025 (O&M)**

**Date of Decision: 28.05.2025**

**SURJEET KAUR**

**...Petitioner**

**V/S**

**STATE OF HARYANA AND OTHERS**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Satpal Bhasin, Advocate for  
Mr. Omkar Chauhan, Advocate for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

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**HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashing of impugned order dated 09.04.2025 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Ambala, whereby bail order of the petitioner is cancelled and her bail bonds were forfeited and non-bailable warrants were issued against against her in case bearing FIR No. 368 dated 14.10.2023 registered under Sections 406, 420, 506 and 120-B of Indian Penal Code at Police Station Mullana, District Ambala along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that petitioner has been granted the relief of regular bail by learned Additional Sessions Judge, Ambala vide order dated 27.03.2024 (Annexure P-2) and thereafter, the petitioner was regularly appearing before the learned trial Court. However, on 09.04.2025, the petitioner could not put in appearance before the learned trial Court as the petitioner and her husband Nirmal Singh were called by Ladwa police in connection with FIR No. 175 dated 21.03.2025 registered under Sections 316(2), 318(4), 61 of Bhartiya Nyaya Sanhita, 2023 and Sections 10, 24 of Immigration Act at Police Station Ladwa for investigation and they



both were interrogated in the said case and during the said period, phone of the petitioner was kept by the Ladwa police and due to the said fact, the petitioner was not able to contact her counsel and inform about the said incident.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, she has 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 petitioner.

4. It is also submitted that the petitioner undertakes to appear before the Court below on each and every date.

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

6. 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 willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

7. 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.



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8. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the Court below. The petitioner in the present case has herself come forward and has undertaken to appear before the Court below on each and every date.

9. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 09.04.2025 (Annexure P-3), vide which bail order of the petitioner was cancelled and non-bailable warrants were issued against her, is hereby set aside.

10. Petitioner is directed to appear before the Court below within a period of two weeks from today and on her doing so, she shall be admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of the Court below, along with costs of Rs. 10,000/- to be deposited with Poor Patients Welfare Funds, PGIMER, Chandigarh for wasting precious time of the Court.

11. The receipt of payment of costs imposed must be presented before learned Court below. The learned Court below is directed to grant bail to the petitioner only upon verification of payment of said cost.

12. It is made clear that in case, if the petitioner fails to appear before the Court below within a stipulated period and to deposit the aforesaid cost, the interim protection granted by this Court shall be deemed to be vacated without any further reference by this Court.

28.05.2025  
Ajay Goswami

**(HARPREET SINGH BRAR)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*