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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38298-2025
Decided on : 21.07.2025

Rohit Kumar

Versus

State of Haryana

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Deepak K. Baratia, Advocate and
Mr. Siddarth, Advocate for the petitioner.

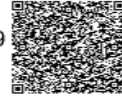
Mr. Kanwar Sanjiv Kumar, AAG, Haryana
(appeared on advance notice)

SANJAY VASHISTH, J.

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 27.05.2025(Annexure P-2), whereby after cancelling the bail of the petitioner, non-bailable warrants have been issued against him, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station
344	06.09.2021	148, 149, 323, 324, 341,506 IPC	Ambala City

2. Learned counsel for the petitioner submits that the petitioner was granted regular bail and had been diligently complying with the conditions thereof by appearing before the Learned Trial Court on each and every date of hearing. Learned counsel for the petitioner submits that the petitioner was regularly appearing before the learned Trial Court,

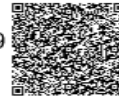
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however, he fell seriously ill in the year 2023 and has been suffering with health issues, due to which he was unable to appear before the learned Trial Court. Due to his illness and lack of communication with his counsel, he remained unaware of the proceedings, and as a result, non-bailable warrants were issued against him. Petitioner came to know about the issuance of the non-bailable warrants only on 27.05.2025. His absence from the Court was neither deliberate nor intentional but solely due to his prolonged illness. Therefore, petitioner prays for the setting aside of the said order.

3. Notice of motion.

4. 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 submits that looking at his conduct, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned



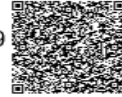
Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** 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.”

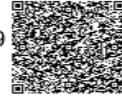


Again, this Court has considered the aforementioned similar plea in case *Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)*.

6. 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 on 27.05.2025, when impugned order issuance of non-bailable warrants has been passed against him. It also cannot be left unnoticed that within one month 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.

7. In the 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. Petitioner is directed to appear before learned trial Court concerned on or before 02.08.2025

8. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, 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.

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9. However, this order shall be subject to the payment of Rs.5,000/- (Rupees ten thousand only) 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/ Duty Magistrate. The Trial Court/Duty Magistrate 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.

10. With aforementioned terms, present petition stands disposed of.

21.07.2025

rashmi

**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**