



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

146

Date of decision : 21.07.2025

(i)

CRM-M-38134-2025

Amit @ Mita

....Petitioner

V/S

State of Haryana

....Respondent

(ii)

CRM-M-38582-2025

Amit @ Mita

....Petitioner

V/S

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rahul Dahiya, Advocate for the petitioner(s).

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of both the abovesaid petitions, as the same have been arisen out of the common FIR.

2. The petitioner has filed the petitions bearing No.CRM-M-38134-2025 and CRM-M-38582-2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the order dated 08.04.2025 passed by learned Additional Sessions Judge (Fast Track Special Court), Hisar, whereby the bail and surety bonds of the petitioner has been cancelled and non-bailable warrants have been issued against him in case FIR No.648 dated 06.09.2020 registered under Sections 380 & 457 of Indian Penal Code, 1860 (Section 354A(1))



**CRM-M-38134-2025 and
CRM-M-38582-2025**

2

& 506 of IPC and Section 8 of POCSO Act were added later on) at Police Station Sadar, Hisar and order dated 01.07.2025 passed by learned Additional Sessions Judge (Fast Track Special Court), Hisar, whereby the petitioner has been declared as proclaimed person, respectively.

3. Brief facts of the case are that the FIR in question was registered on a complaint filed by one Ramniwas alleging therein that on the intervening night of 30/31.08.2020, some unknown person entered into his house and took away Rs.2,40,000/- from his suitcase. The petitioner was arrested and released on bail by the Trial Court. Thereafter, due to his illness, the petitioner could not appear before the Trial Court on 08.01.2025 and an application filed by the petitioner seeking exemption from personal appearance was dismissed and his bail was cancelled and non-bailable warrants have been issued against him. Thereafter, the petitioner was produced before the Trial Court on 06.02.2025 and he was released on bail by the Trial Court, vide order dated 14.02.2025. Subsequent to bail of the petitioner, the matter was adjourned to 24.02.2025 for prosecution witness. On 24.02.2025, the matter was again adjourned to 10.03.2025 for summoning all prosecution witness. On 10.03.2025, no prosecution witness was present and the matter was adjourned to 08.04.2025. On 08.04.2025, due to non-appearance of the petitioner, his bail/surety bonds were cancelled and forfeited to the State and non-bailable warrants were issued against him for 21.04.2025. Thereafter, on 21.04.2025, 03.05.2025 and



**CRM-M-38134-2025 and
CRM-M-38582-2025**

3

09.05.2025 the warrant of arrest issued against the petitioner received back unexecuted and on 09.05.2025 the presence of the petitioner was directed to be secured by way of publishing a proclamation requiring him to appear before the Court on or before 22.05.2025. On 22.05.2025 it was observed that the proclamation issued against the petitioner received back duly effected and the matter was adjourned for 01.07.2025 and on 01.07.2025 the petitioner was declared as proclaimed person. Hence the present petitions.

4. Learned counsel for the petitioner contends that earlier the petitioner was appearing before the Trial Court regularly. However, due to note down the wrong date of hearing as 08.06.2025, the petitioner could not appear before the Trial Court on 08.04.2025 and his bail bonds/surety bonds were cancelled and non-bailable warrants were issued against him for 21.04.2025. He submits that the petitioner is a victim of circumstances and his absence was unintentional.

5. Learned counsel for the petitioner further submits that the petitioner has wrongly been declared as proclaimed person, vide order dated 01.07.2025, which is in violation of Section 82 of Cr.P.C. as the serving constable in his statement recorded before the Trial Court on 22.05.2025 has stated that he has pasted one copy of the publication outside the house of the petitioner and other copy of the same on the notice board of the Court, however, he did not publicly read out the same in some conspicuous place of the town/village where the petitioner



**CRM-M-38134-2025 and
CRM-M-38582-2025**

4

was residing. He further submits that the petitioner is ready to appear before the Trial Court and he may be given interim protection.

6. Notice of motion.

7. Mr. Bhupender Singh Saroha, D.A.G., Haryana accepts notice on behalf of the respondent-State and submits that the impugned order dated 08.04.2025 has been passed on the sole ground of the absence of the petitioner.

8. I have heard learned counsel for the parties and perused the record.

9. Considering overall facts and circumstances of the case, the impugned orders dated 08.04.2025 and 01.07.2025 are set aside subject to appearance of the petitioner before the Trial Court within a period of three weeks from today and on his doing so, he shall be released on bail on his furnishing fresh bail bonds and surety bonds to the satisfaction of the Trial Court. In the event of non-compliance of this order, the orders dated 08.04.2025 and 01.07.2025 would remain intact.

10. The instant petitions are disposed of in the above terms.

21.07.2025

kothiyal

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No