



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

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**CRM-M-38920-2025
Date of decision: 23.07.2025**

AARTI SANDHU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

SANJAY VASHISTH. J.(Oral)

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 10.04.2024 (Annexure P-5), passed by Learned Judicial Magistrate First Class, Jagadhri, whereby bail of the petitioner was cancelled and her bail bonds and surety bonds were forfeited to the State and further non-bailable warrants were issued in case FIR No.128 dated 17.07.2021, under Sections 420, 467, 468, 471, 506 and 120-B of IPC, registered at Police Station Jathlana, District Yamuna Nagar.

2. Learned counsel for the petitioner contends that petitioner was granted the concession of anticipatory bail by the Co-ordinate Bench of this Court vide order dated 12.12.2022, and was thereafter she was released on regular bail. The petitioner has been regularly attending the court proceedings and has never



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remained absent, except on 10.04.2024, when she was nominated in some other cases registered at the same Police Station, City Yamuna Nagar, and was therefore unable to appear in the present case. Resultantly, her bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against her.

3. Thus, submits that absence of the petitioner was neither intentional nor deliberate, but she defaulted due to the reasons, mentioned here-above.

4. Learned Counsel further submits that now petitioner is ready to join the process of law, however, she be directed to be released on bail, on her surrendering before the Court and thus, be protected from arrest. In case, one opportunity is granted, petitioner also undertakes that she would not absent herself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

5. Notice of motion.

6. Mr. Kanwar Sanjiv Kumar, AAG, Haryana, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, she has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, she would again be absents during the proceedings.

7. 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



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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



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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**).

8. 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 only on one date, and consequently, on 10.04.2024, when impugned order cancelling the bail and issuance of non-bailable warrants of arrest, has been passed against her. It also cannot be left unnoticed that on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing her inclination to submit himself before the trial Court.

9. In 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, and he is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 29.08.2025.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

However, this order shall be subject to the payment of Rs.10,000/- 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. The Trial Court 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.

23.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No