



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

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**CRM-M-41229-2025
Decided on : 02.08.2025**

**Krishan @ Krishan Pawar and another
Versus**

.....Petitioners

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baljinder Singh Virk, Advocate for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, Punjab.
(appeared on advance notice)

SANJAY VASHISTH, J.

1. Petitioners, namely Krishan @ Krishan Pawar, aged 29 years, and Savatri, aged 71 years, have filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 09.07.2025 (P-2), passed by the learned Judicial Magistrate First Class, Charkhi Dadri, whereby the application seeking exemption from personal appearance has been dismissed, and the bail of the petitioners has been cancelled. Their bail bonds have been forfeited to the State, and non-bailable warrants have been issued against them

2. Learned counsel for the petitioners submits that FIR No. 115 dated 29.03.2018 was registered against the petitioners under Section 379 IPC at Police Station Dadri City, District Charkhi Dadri. After registration of the FIR, the petitioners were granted anticipatory bail by this Court vide order dated 13.11.2019.



Since the time of their release on bail, petitioners have been appearing regularly before the learned trial Court, and they have been facing trial since 2019. Counsel submits that on 09.07.2025, petitioners did not appear before the learned trial Court and moved an application seeking exemption from personal appearance, which was dismissed. Consequently, the bail of the petitioners was cancelled, their bail bonds were forfeited to the State, and non-bailable warrants were issued against them. Hence, present petition before this Court.

Learned counsel for the petitioners submits that the non-appearance of the petitioners was on account of Petitioner No. 2 undergoing dental treatment and suffering from severe pain, and that Petitioner No. 1, being her son, was attending to her. It is further submitted that the absence was not with any intention to abscond or evade the proceedings. Petitioners express their willingness to join the proceedings before the learned trial Court, if granted one opportunity by protecting them from arrest. They are even ready to pay some penal cost in this regard. It is submitted that the petitioners absence was neither deliberate nor intentional, but was due to the reasons stated hereabove. In these circumstances, petitioners pray for the setting aside of the order dated 09.07.2025(P-2)

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners do not deserve any sympathy. Learned State counsel further submits that looking at their



conduct, there is no surety that in future, petitioners 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 sides and examined the relevant material available on record. It is noticed that petitioners were remiss in appearing before the Court on 09.07.2025 (P-2), when the application for personal exemption was dismissed and the impugned order for issuance of non-bailable warrants was passed against them. Upon becoming aware of the said order, petitioners have filed the present petition, thereby indicating their intention to submit themselves before the trial Court.

7. In the totality of circumstances, I am of the view that the petitioners can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner.

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Accordingly, plea of the petitioners is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioners. Petitioners are directed to appear before learned trial Court concerned on 02.08.2025 i.e. the date fixed before learned trial Court or within 15 days from today.

8. Petitioners 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, petitioners would also submit specific undertaking/affidavit that they will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of their conduct.

9. However, this order shall be subject to the payment of Rs.5,000/-(Rupees Five thousand) each as costs,, to be deposited by the petitioners 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 petitioners.

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

(SANJAY VASHISTH)
JUDGE

02.08.2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**