



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-45556-2025
Date of Decision: 21.08.2025

Shiva

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rohit Kataria, Advocate for the petitioner.

Ms. Shaveta Sanghi, D.A.G. Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
335	26.08.2022	Arya Nagar, District Rohtak	323, 324, 34, 506 IPC (Section 307 IPC added later on)

1. The petitioner, who was earlier on regular bail, which was cancelled due to his non-appearance, is now apprehending arrest in the FIR captioned above, has come up before this court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS],
2. Counsel for the petitioner submits that the petitioner was earlier on regular bail, however, due to non-appearance, his bail was canceled vide order dated 19.07.2025 passed by Learned Additional Sessions Judge, Rohtak. He further submits that absence was unintentional and he undertakes to appear within week before the trial Court.
3. Counsel appearing for the State has strenuously opposed this petition.
4. The primary object of the service is to secure the accused's presence in trial. The petitioner approached this court independently, establishing the bonafide at this stage. It is not a case where he was arrested. He approached this Court within short span. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, limited relief can be granted to the petitioner without taking note of the maintainability of the present petition and leaving the question open. Thus, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.
5. The State's counsel submitted that if this Court is granting any concession to the petitioner, it must be subject to some reprimand. The petitioner's counsel declared that if this court imposes reasonable and affordable costs, the petitioner shall deposit the same.



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6. The petitioner has proved his case by a preponderance of probabilities and has prima facie established that his non-appearance was beyond his control. The petitioner on their own came before this Court, undertaking to attend the trial and deposit Rs. 5,000/- in the PGI Poor Patients Welfare Fund.

7. Given above, the petitioner is directed to surrender before the concerned court on or before 06.09.2025, 11 AM and files bail application(s) before the concerned Court(s) on his appearance by filing application for bail, concerned Court shall release him on bail on the same day on furnishing usual bonds by imposing reasonable conditions deemed appropriate in the background of the accused's conduct. The petitioner is directed to appear on each date before the trial court and not to delay it. This order is subject to deposit of Rs.5,000/- in the PGI Poor Patient Welfare Fund and the petitioner shall hand over the receipt of deposit before the trial Court.

8. There shall be a stay of the petitioner's arrest in the case mentioned till 06.09.2025. As mentioned above, this stay is subject to the petitioner's surrender, failing which this protection shall also be recalled. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner in the matter mentioned above shall automatically stand recalled and canceled.

9. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 403 read with 528 of BNSS, 2023, without any further reference to this court on 07.09.2025 at 11 AM.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. *A certified copy of this order would not be needed, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

22.08.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.