



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

CRM-M-46998-2025(O&M)

Date of decision : 26.08.2025

RAMU @ GAURAV

..... Petitioner

VERSUS

THE STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

KIRTI SINGH, J. (Oral)

This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking quashing of the impugned order dated 08.08.2025 (Annexure P-3), passed by the learned Additional Sessions Judge, Fast Track Court, Faridabad, arising out of FIR No.1073 dated 15.12.2023, registered under Sections 323, 376(2)(n), 346, 506 and 34 of the IPC, at Police Station Sector-58, District Faridabad, whereby the bail granted to the petitioner was cancelled and his personal and surety bonds were forfeited to the State.

2. Learned counsel for the petitioner submits that the petitioner was granted regular bail in the aforementioned case by this Court vide order dated 24.10.2024 passed in CRM-M-51749-2024 and he had been appearing regularly before the Court and did not violate any condition imposed on him while granting bail. However, on 08.08.2025, the petitioner was unable to appear before the trial Court as he was suffering from viral fever, loose



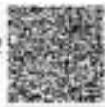
motions and abdominal pain. He informed his counsel accordingly who moved an application for exemption from personal appearance on the said date, but the same was declined by the learned trial Court vide order dated 08.08.2025 with the direction to deposit of Rs.10,000/- in District Legal Services Authority. The Court also cancelled the bail of the petitioner and also issued warrants of arrest against him for 25.08.2025. Learned counsel further submits that the petitioner's non-appearance was neither intentional nor willful, as the petitioner was suffering from viral fever, loose motion and abdominal pain and that he is ready and willing to appear before the learned trial Court and comply with all terms and conditions that may be imposed by the Court.

3. On advance notice, Ms. Saumya Ahluwalia, Sr. DAG, Haryana accepts notice on behalf of respondent-State. Learned State counsel opposes the prayer made in the petition and has argued that the learned trial Court had rightly cancelled the bail bonds/surety bonds of the petitioner.

4. Heard.

5. The objective of the coercive mechanism prescribed under the criminal law is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed *qua* the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. On hearing learned counsel for the petitioner and perusing the record, it is evident that the petitioner was granted bail by this Court. However, on account ill health, he could not appear before the trial Court on 08.08.2025. Rather he moved appropriate application seeking exemption from personal appearance. However, the learned trial Court by way of the



impugned order cancelled his bail and issued warrants of arrest against him for 25.08.2025.

7. This Court finds that no useful purpose will be served by sending the petitioner into custody, considering he had been continuously appearing before the trial Court but could not appear on the one date i.e. 08.08.2025, and given the fact that he is ready and willing to appear before the learned trial Court and comply with all the conditions imposed on him.

8. In view of the above, the present petition is allowed. Impugned order dated 08.08.2025 (Annexure P/3) is hereby set aside, **subject to payment of Rs.10,000/- to be deposited in Poor Patients’ Welfare Fund, PGIMER, Chandigarh.** The petitioner would appear before the trial Court on within a period of 10 days and file appropriate application. The trial Court would release the petitioner on same bail bonds/surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to appear before the learned trial Court within prescribed period as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

26.08.2025
Ithlesh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No