



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

**CRM-M-47334-2025 (O&M)
Date of decision: 28.08.2025**

VISHAL MODI AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Saurabh Sharma, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-33901-2025

Keeping in view the averments made in the application, exemption is granted as prayed for.

Disposed of.

Main Case

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 01.08.2025 (Annexure P-7) passed by learned Chief Judicial Magistrate, Ambala in criminal complaint bearing No.COMI/188/2017 dated 25.07.2017 under Sections 420, 467, 468, 471 read with 120-B IPC before the Illaqa Magistrate, Ambala, whereby, the bail of the petitioners has been cancelled and their bail bonds/surety bonds have been forfeited to the State followed by issuance of warrants of arrest.
2. Learned counsel for the petitioners submit that the petitioners were on bail and were regularly appearing before learned trial Court except



on medical emergency. However, on 01.08.2025, the petitioners could not appear before the trial Court due to some medical emergency and filed application seeking exemption from appearance on medical emergency in family, which was dismissed. Subsequently, vide order dated 01.08.2025, learned trial Court cancelled the bail of the petitioners, their bail bonds were forfeited and non-bailable warrants were issued against them.

3. Learned counsel for the petitioners *inter alia* contends that non-appearance of the petitioners was not deliberate or intentional and thus, aggrieved by the said order, they have approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioners.

4. It is also submitted that the petitioners undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Mr. Neeraj Sheoran, Sr. DAG Haryana, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioners, however, it is not disputed by him that petitioners were already on bail.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. The reasons assigned by the petitioners for non-appearance seem to be genuine and it cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.



9. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the trial Court. The petitioners in the present case have come forward and have undertaken to appear before the trial Court on each and every date.

10. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 01.08.2025 (Annexure P-7), whereby, the bail of the petitioners has been cancelled and bail bonds/surety bonds have been forfeited to the State followed by issuance of warrants of arrest, is hereby set aside.

11. Petitioners are directed to appear before the trial Court within a period of four weeks and on their doing so, they shall be admitted to bail on furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

12. It is made clear that in case, petitioners fail to appear before the trial Court within a stipulated period, the interim protection granted by this Court shall be deemed to be vacated.

28.08.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |