

CRM-M-50933-2025
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50933-2025
Decided on: 11.09.2025

Ajay Shakya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
212	09.07.2025	Rai, District Sonipat (Haryana)	18, 29 (added later on) of NDPS Act

1. Challenging the order dated 03.09.2025 passed by the learned Additional Sessions Judge, Sonipat, vide which warrants of arrest were issued against the petitioner, he has come up before this court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS].
2. Counsel for the petitioner submits that petitioner was on bail in this case but due to non-appearance on 03.09.2025, his bail was cancelled, warrants of arrest were issued against him despite the filing of application for exemption and reason behind non-appearance was mis-communication between the petitioner and his counsel. He further undertakes to appear before the trial Court on each and every date.
3. Notice served upon the official respondent through State counsel. The nature of order which this Court proposes to pass, there is no necessity of calling any response from the State.
4. The petitioner was enlarged on bail vide order dated 20.08.2025 passed by this Court. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioner got to know about warrants of arrest, he took legal remedy and came up before this Court. It also remains undisputed



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that it never happened that police officials caught him or he tried to run away to avoid an appearance in Court. In such a situation, 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 within a short span on his own came before this Court, undertaking to attend the trial, and it is not the police who have been able to arrest him.

5. Let the petitioner attend the trial because the criminal justice system must not hamper and suffer because of the petitioner.

6. The primary object of the service is to secure the accused's presence at trial. The petitioner approached this court independently, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet if the impugned order is quashed qua the petitioner. Thus, exercising the inherent powers under section 528 BNSS, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

7. 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.

8. Given above, the petitioner is directed to surrender before the concerned court **on or before 25.09.2025, 11 AM**. On or before this date, after surrender if the petitioner files bail application(s), the concerned trial court to grant bail to the petitioner on surrendering before the concerned Court as he was on bail earlier subject to furnishing bail 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 the condition that petitioner shall deposit Rs.10,000/- in **Poor Patient Fund, PGIMER, Chandigarh** and handover receipt of the same in the trial Court at the time of surrender.

9. **There shall be a stay on the petitioner's arrest in the case mentioned above till 25.09.2025 by 5.00 P.M.** 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.



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10. 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.

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

12. *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 partly allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: NO.