

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

125

CRM-M-57675-2025 (O&M)**Date of decision: 31.10.2025**

Gagandeep

*.....Petitioner**Versus*

State of Haryana and Anr

*.....Respondents***CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. S.S. Chahal, Advocate for the petitioner.

AARADHNA SAWHNEY, J (ORAL)**CRM-42899-2025**

Prayer in the instant application is for placing on record interim orders of the trial Court as Annexures P.2 to P.36.

Allowed, as prayed for.

Main case

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 16.09.2025 passed by learned Judicial Magistrate Ist Class, Ratia in complaint bearing NACT-285-2021, titled as ' M/s Janak Petroleum Vs. Gagandeep Singh' vide which the petitioner has been summoned through non-bailable warrants of arrest.
2. Learned counsel submits that in pursuance of the summoning order issued against petitioner to face trial as accused, he appeared and was granted bail. Thereafter, he continued to regularly appear before the Court, however, on 16.09.2025, he could not appear before the trial Court as inadvertently he had noted a wrong date of hearing. In terms of impugned order dated 16.09.2025, the bail of the petitioner was cancelled and his bail bonds and surety bonds were cancelled and forfeited to the State and thus his presence was sought to be procured through non-bailable warrants. Learned counsel for the petitioner submits that the absence of the petitioner was not intentional but was on account of the reason mentioned hereinabove. Further, petitioner is willing to join the



proceedings on the next date of hearing and that one opportunity be granted to him to surrender before the trial Court, even on imposition of some costs.

3. Notice of motion.

4. At the asking of the Court, Ms. Shweta Nahata, DAG, Haryana, accepts notice on behalf of respondent No.1-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented himself from the proceedings.

5. The very purpose of issuance of warrant of arrest, is to compel and secure the presence of the accused to face trial. Request made by the petitioner seems to be genuine.

8. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab, decided on 15.09.2022**, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In **CRM-M-38277-2022, Surjit Singh vs. State of Punjab**, dated 26.08.2022 and **CRM-M-39000-2022, titled as Raghav vs. State of Punjab**, decided on 09.09.2022, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

9. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 16.09.2025, is set aside.

10. Petition is disposed of with a direction to the petitioner to appear before the court concerned within a period of fifteen days from today.

11. In case, he surrenders before the court concerned on the next date of hearing, he be released on the same bail/surety bonds as had been furnished by



way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

12. The present petition is accordingly allowed.

13. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

31.10.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No