



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129 CRM-M-66106-2025
Decided on :26.11.2025

RahulPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ravi Kumar Girdhwal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana
(appeared on advance notice)

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 17.10.2025(Annexure P-2), whereby after cancelling the bail of the petitioner, warrants of arrest have been issued against him, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station
180	14.06.2024	20(b)(ii)(c), 29 of NDPS Act	Sector 65, District Gurugram Haryana

2. Learned counsel for the petitioner submits that the petitioner was arrested on 14.06.2024 in the questioned FIR and was granted regular bail by this Court vide order dated 01.09.2025 (P-4). Thereafter, he has been regularly appearing before the Court throughout the trial. However, on 17.10.2025, he could not appear due to an inadvertent



wrong noting of the date as 18.10.2025. As a result, petitioner failed to appear before the Court on the correct date, leading to the cancellation of his bail and the issuance of arrest warrants against him.

It is submitted that the petitioner's absence was neither deliberate nor intentional but occurred solely due to the circumstances stated above. In these facts, the petitioner prays for setting aside the order dated 17.10.2025 (Annexure P-2).

3. Notice of motion.

4. Mr. Kanwar Sanjiv Kumar, learned AAG, Haryana, appearing for the respondents, while opposing the prayer of the petitioner, submits that petitioner does not deserve any sympathy. Learned State counsel further contends that, in view of the petitioner's past conduct, there is no assurance that he will remain compliant with the conditions of bail in the future, and there exists a real likelihood that he may again absent himself with the intention of delaying the trial.

It is also argued that the petitioner was under a clear obligation to remain vigilant regarding the dates of hearing, and his failure to do so reflects negligence, if not indifference, towards the judicial process. Learned State counsel also submits that such lapses, if condoned lightly, may set an undesirable precedent and adversely affect the smooth progress of the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already



granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:



“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case **Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025).**

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court on 17.10.2025(P-2), when impugned order issuance of warrants of arrest has been passed against him and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. In the totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of warrants of arrest against the petitioner. Petitioner is directed to appear before learned trial Court concerned on or before **26.12.2025**.

8. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during



CRM-M-66106-2025

the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

9. With aforementioned terms, present petition stands disposed of.

26.11.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: YES/NO