

2025:PHHC-169023



126 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRM-M-67856-2025**  
**Date of Decision: 04.12.2025**

Amit Sharma ...Petitioner

## Versus

State of Haryana ...Respondent

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

**Present:** Ms. Amandeep Kaur, Advocate and  
Mr. Gurjeet Singh, Advocate and  
Mr. Narinder S. Lucky, Advocate  
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

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**AARADHNA SAWHNEY, J. (ORAL)**

1. Petitioner, an accused in case FIR No.169 dated 03.06.2019 registered against him, at Police Station Manesar, District Gurugram, for commission of offences punishable u/s 406/420 IPC (Sections 467/468/471/120B/201 IPC and Sections 66/66-D of IT Act added later on), has filed the present petition under Section 528 of BNSS, for quashing of the order dated 17.11.2025 (Annexure P-3) passed by Ld. JMIC, Gurugram vide which his bail was cancelled, bail bonds/surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants.

2. Learned counsel submits that apart from the aforesaid case at Gurugram, petitioner was also facing trial in case bearing No.CHI/3217/2020 titled as “***State of Haryana Vs. Gagan Mahajan etc.***” Since the petitioner was extended the concession of bail by the Court at Gurugram, he had been

regularly appearing. On occasions, he could not appear, exemption applications were moved, which were allowed. Trial was never delayed on account of his absence. However, on 17.11.2025, unfortunately petitioner met with an accident, moved an application for personal exemption, before the concerned Court at Ambala. Ld. JMIC, Ambala in terms of the order dated 17.11.2025 (Annexure P-4) allowed the said application (Annexure P-4). The local counsel at Gurugram was also intimated of this fact but somehow inadvertently application of the like nature could not be moved before the said Court at Gurugram resulting in passing of the impugned order. Learned counsel further submits that petitioner is ready to immediately surrender and undertakes to regularly appear before the Court concerned. With this backdrop, it has been prayed that the order dated 17.11.2025 (Annexure P-3) be set aside.

3. Heard. Documents on record perused.

4. 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.

Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served summons or if they are likely to abscond. Courts issue NBWs as a last resort, after first attempting to secure attendance through summons and bailable warrants.

5. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 17.11.2025 (Annexure P-3) passed by Ld. JMIC, Gurugram, is set aside. Petition is disposed of with a direction to the petitioner to appear before the court concerned within a period of 02 weeks from today. In case, he surrenders before the court concerned within a period of 02 weeks, he be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner is also directed to furnish an undertaking 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.

6. 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.

**04.12.2025**  
*Parveen kumar*

**(AARADHNA SAWHNEY)**  
**JUDGE**

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