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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9284/2025**

RAJA@SALAUDDIN@RAJA BACCHAPetitioner

Through: Mr. Manish Kumar, Mr. Jitendra
Kumar Singh, Ms. Priya Kumari,
Advocates.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Utkarsh, APP for the State with
SI Satyapreet.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
24.12.2025

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CRL.M.A. 38748/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner to challenge the Orders dated 08.07.2025 and 12.09.2025 in FIR No. 277/2022 registered at Police Station Kalindi, for the cancellation of NBWs and restoration of the previous surety.
4. It is submitted in the Application that non-appearance of the Petitioner on 08.07.2025 before the learned Trial Court, was neither deliberate nor intentional. He had been recently released from the judicial



custody in other FIR and was unaware of the next date of hearing as his Counsel also did not appear on that date. NBWs were consequently issued without the Petitioner having any knowledge of the scheduled date. It is further submitted that on 12.09.2025, the bail bond of the Petitioner, was forfeited despite the fact that he was in judicial custody in another FIR and was unable to appear. The Application under Section 483 BNSS was filed for grant of Parole, which was dismissed on 03.12.2025. It is submitted that the Petitioner had never absented himself deliberately and was in juridical custody in FIR No. 80083193/2025 registered at Police Station Mehrauli, which was a fact, brought to the notice of the learned Trial Court. The Trial Court has committed an error in forfeiting the bail bond without, following mandatory provisions of 491 B.N.S.S., which requires issuance of Notice and opportunity to Show Cause. The absence of the Petitioner was on account of being in custody in another case, which is a valid and sufficient cause and cannot amount constitute wilful default. The impugned Order is mechanical, non-speaking, arbitrary and suffers from material irregularity.

5. Reference is made to Shiv Kumar Yadav vs. State, Crl. M.C. 725/2015 and Crl.MA No. 2765/2015 wherein it was held that justice should not only be done which should be seem to have been done. Right to get a free trial is not only a basic fundamental right but a human right also. It is, therefore, submitted that the Impugned Orders dated 08.07.2025 and 12.09.2025, be set-aside.

6. Learned APP for the State submits that it was the intentional absence of the Petitioner on 08.07.2025, which has not been explained by any cogent reasons. He has 21 FIRs against him and there is no reason for him to have not appeared on 08.07.2025 and is a bad character of the Police Station



Kalindi Kunj. It is further submitted that the Bail Bond has been rightly forfeited. In the light of the conduct of the Petitioner, this Petition has no merit and is liable to be dismissed.

Submissions heard and the record perused.

7. The Petitioner himself has stated that he had failed to appear on 08.07.2025 and the Warrants were issued against him and Notice under 491 BNSS was issued to the Surety, through the Office of DCP South East. The Petitioner further himself states that he got arrested in another FIR No. 80083193/2025, registered at Police Station Mehrauli on 05.09.2025 and despite 05.09.2025, the aforesaid date shows that on 08.07.2025, the Petitioner was not in any judicial custody and there is no explanation forthcoming for his absence on 08.07.2025. Pertinently, the Petitioner himself states that he was arrested in another FIR from where he got released but was not aware of the date of 08.07.2025, to appear in the Court. This contention is patently not tenable considering that this date would have been given on an earlier date and the claim of the Petitioner that he was not aware, does not inspire any confidence. The learned Trial Court was fully justified to forfeit the Bail Bond of the Accused, in the given circumstances *vide* Order dated 12.09.2025.

8. There is no merit in the present Petition, which is hereby dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

DECEMBER 24, 2025/RS