



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

170

CRM-M-11122-2026

Date of Decision : 12.03.2026

BRIJESH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Deepak Chauhan, Advocate
for the petitioner (through Video Conferencing).

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.378 dated 06.07.2022 registered against him for commission of offences punishable under Sections 406, 420, 34, 120-B IPC at Police Station Hisar Civil Lines, District Hisar, has filed the present petition under Section 528 of BNSS, seeking quashing of the order dated 17.11.2023 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Hisar, vide which on account of his non-appearance, his bail was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants.

2. A perusal of documents placed on record reveals that after accused-petitioner was arrayed as an accused in the aforesaid case, he was granted the concession of bail by the learned trial Court, vide order dated 31.05.2023 (Annexure P-2). Thereafter on the next date of hearing i.e. 17.11.2023, on account of absence of the petitioner, impugned order was passed.



3. Learned counsel for the petitioner submits that lenient view be taken in favour of the petitioner by readmitting him to the relief of bail as his absence from the Court on the date fixed was not intentional but was on account of some mistaken impression that the matter has been amicably settled and thus, his presence is not needed. Petitioner was living with his family in Zirakpur (District SAS Nagar, Mohali). When on 20.02.2026, he received a call from co-accused intimating him about pendency of the case, he contacted his lawyer and checked the status of the said case online, which confirmed his worst fears. Taking the submission further, learned counsel contends that petitioner never received any notice/summon from the concerned Court. In fact repeated notices/warrants of arrest were received back with the report that the house of the petitioner had been locked.

Learned counsel further states that till now Proclamation Proceedings have not been initiated against petitioner. With this backdrop, learned counsel prays for setting aside the impugned order dated 17.11.2023 (Annexure P-2) passed by the learned trial Court, assuring that petitioner undertakes to surrender before the Court concerned immediately and to attend the Court proceedings regularly on each and every date of hearing.

4. Heard. Documents on record perused.

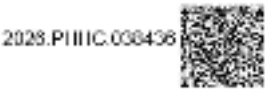
5. This Court in CRM-M-36490-2022, titled as ***Major Singh vs. State of Punjab, decided on 15.09.2022***, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In ***CRM-M-38277-2022, Surjit Singh vs. State 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.

6. 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 a 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.

7. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 17.11.2023 (Annexure P-2), is set aside, subject to petitioner depositing costs of Rs.25,000/- with the State Legal Services Authority and producing the receipt thereof before the learned trial Court. Accordingly, present petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 10 days from today. On his appearance before the Court concerned, he shall be readmitted to bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the learned trial Judge. 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.



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

(AARADHNA SAWHNEY)
JUDGE

12.03.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>