

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****151****CRM-M-16822-2026****Date of decision: 01.04.2026**

Vijay Kumar

*.....Petitioner**Versus*

State of Haryana

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

Present: Mr. Gaurav Jain, Advocate for the petitioner.

AARADHNA SAWHNEY, J (ORAL)

1. By virtue of present petition, petitioner, who is accused in case FIR No.140 dated 20.07.2024 under Section 22 of NDPS Act registered at P.S City Jakhal, Tehsil Tohana, District Fatehabad, has prayed for quashing of order dated 06.03.2026 passed by learned Special Judge, Fast Track, under NDPS Act, Fatehabad vide which on account of his absence from Court, his bail bonds and surety bonds were cancelled and forfeited to the State, and his presence was sought to be secured through nonailable warrants.

2. Learned counsel for the petitioner contends that vide order dated 09.08.2024, the petitioner was granted the concession of regular bail by the learned trial Court. He had been regularly appearing on each and every date of hearing. However, on one of the dates i.e 06.03.2026, on account of reasons beyond his control, he could not put in appearance. He contends that in fact, wrong date was inadvertently noted, therefore, his absence on the date fixed was not intentional but was on account of said reason. He submits that the petitioner is willing to join the proceedings on any date to be fixed by this Court and prays for grant of one opportunity to the petitioner to surrender before the trial Court, even on imposition of some costs.

3. Notice of motion.

4. At the asking of the Court, Mr. Vishal Singh, AAG, Haryana, accepts notice on behalf of respondent-State.

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.



6. 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.

7. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 06.03.2026, is set aside subject to petitioner depositing a sum of Rs.5000/- as costs with the Director, PGIMS, Poor Patient Welfare Fund, Chandigarh. Petition is disposed of with a direction to the petitioner to surrender before the court concerned within a period of ten days from today. On his doing so, he be released on the fresh bail/surety bonds. He 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.

8. 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.

01.04.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

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