

CRM-M-16896-2026

2026.PHHC.049460



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-16896-2026 (O & M)
Date of decision: 30.03.2026

Gourav Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashok K. Khunger, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing the impugned order dated 27.02.2026, Annexure P-5, passed by learned Judicial Magistrate 1st Class, Sonapat, in case FIR No.18 dated 22.03.2025, vide which bail of the petitioner was cancelled and non-bailable warrants were issued against him.

2. Learned counsel submits that the petitioner was granted regular bail on 10.12.2025 whereafter he continued to appear before the trial Court and the case was adjourned to 28.07.2026, for which reference is made to Annexure P4. The supplementary challan against co-accused Karan, Amit and Pankaj was presented on 03.01.2026 and after its presentation, notice was ordered to be issued to petitioner for 16.01.2026, which was not served upon him and case was further adjourned to 27.02.2026, on which date, he being unwell could not appear and his counsel filed an application for exemption which was not accepted. Consequently, his bail was cancelled and bail bonds & surety

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bonds stood forfeited to the State and non-bailable warrants were issued against him. His absence is neither wilful nor deliberate and ready and willing to join the proceedings on or before the next date of hearing and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Notice of motion.

4. At the asking of the Court, Mr. BS Saroha, DAG, Haryana, accepts notice on behalf of the respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Heard.

6. The very purpose of issuance of warrant of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, CRM-M-38277-2022, titled as **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, had set aside the orders of non-bailable warrants.

8. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that

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the ends of justice would be adequately met if the present petition is allowed.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 27.02.2026, Annexure P-5, is set aside.

10. He is directed to surrender before the trial Court on or before 15.04.2026 and on so doing, shall release him on bail subject to its satisfaction and deposit costs of Rs.10,000/- with Shree Mata Mansa Devi Bhandar Committee Charitable Trust (Regd.) having its Account No.50100238189041, IFSC Code-HDFC0000108, HDFC Bank, Sector-8, Panchkula. On furnishing bail/surety bonds, he is also directed to furnish 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.

11. The petition is disposed of.

12. 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.

30.03.2026

ashok

(AMAN CHAUDHARY)
JUDGE

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