



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(147)

CRM-M-16882-2026

DATE OF DECISION: 27.03.2026

BITTU KHAN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr. Sanjeev Kumar Sharma, Advocate,
for the petitioner.
Mr. Surender Singh Pannu, Addl. AG, Haryana.

SUBHAS MEHLA, J (Oral)

Present petition has been filed under Section 528 of BNSS, 2023 (482 Cr.P.C) for quashing of order dated 17.09.2025 (Annexure P-4), passed by learned Sessions Judge, Sirsa in case CRA/186/2024 titled "Bittu Khan versus State of Haryana" in case bearing FIR No.187 dated 05.06.2020, Under Sections 380/454 IPC [305/331(3) of BNS], registered at Police Station Sadar, Dabwali, District Sirsa (Annexure P-1), vide which concession of bail granted to the petitioner was cancelled; his bail bonds and surety bonds forfeited to the State and non bailable warrant of arrest were ordered to be issued against him.

2. Learned counsel for the petitioner contended that the petitioner was convicted by the learned Judicial Magistrate Ist Class, Dabwali, for the commission of offence punishable under Sections 380/454 IPC and was sentenced to undergo simple imprisonment for six months and one year respectively; that against the said order, his appeal is pending before the

learned first appellate Court; that due to his illness i.e suffering from



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tuberculosis on many dates his personal appearance was exempted and he was represented through counsel; that he failed to appear before the learned Appellate Court on 17.09.2025; that the sentence had already been suspended during the pendency of the appeal; however, due to his absence on 17.09.2025, the bail bonds and surety bonds were cancelled and forfeited to the State; that his personal presence was not required as he was duly represented by counsel; that the petitioner is now ready to surrender before the learned Appellate Court and furnish fresh bail bonds. Hence, prayed for quashing the impugned order.

3. Notice of motion.

4. In pursuance of advance notice, Mr. Surender Singh Pannu, Addl. AG, Haryana, appeared on behalf of the State and opposed the petition by submitting that the petitioner has misused the concession of bail granted by the learned Appellate Court just to prolong the proceedings.

5. Heard.

6. Taking into consideration the submissions made by learned counsel for the petitioner as well as learned State counsel, and keeping in view the facts and circumstances of the present case, the petition is **disposed of** with a direction to the petitioner to surrender before the learned Appellate Court within a period of 15 days from today. Upon such surrender, the petitioner shall be at liberty to move an appropriate application explaining reasons for his absence before the Court at the relevant time and the learned Appellate Court is directed to consider the same and decide it in accordance with law.



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7. It is further observed that since the sentence of the petitioner has already been suspended during the pendency of the appeal, and his personal presence on each and every date is not mandatory, the appeal may proceed and be decided on merits even in his absence, provided he is duly represented by counsel.
8. Till the expiry of the aforesaid period of 15 days, the petitioner shall not be arrested by police.

27.03.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No