



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

157

CRM-M-17331-2026.

Date of Decision: 09.04.2026.

Hem Singh Bharana

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Add. Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Hem Singh Bharana, aged 67 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 15.01.2026, whereby Court of learned Additional CJM, Palwal (trial Court) has cancelled the bail and then issued non-bailable warrants on account of non-appearance of the petitioner.

2. Learned counsel for the petitioner submits that in FIR No.492 dated 19.02.2020, registered under Sections 420, 406 and 120-B of the IPC at Police Station City Palwal, District Palwal, the petitioner has been made an accused in connection with the non-delivery/possession of apartments in a project undertaken by M/s Adel Landmarks Limited, where the petitioner serves as Director.

3. Referring to the averments made in para 3 of the petition, counsel contends that absence of petitioner on 15.01.2026 was not intentional and in fact he reached the concerned Court approximately at 10:30 AM, however, owing to the pendency of several other matters involving the petitioner before

other courts and rush of counsel and litigants, his presence could not be marked.

4. It is submitted that due to preoccupation with his appearance in other cases, the petitioner could not return to the concerned Court on 15.01.2026 when his bail was cancelled and NBWs were issued.

5. Learned counsel further submits that the petitioner's absence was not due to any mala fide intent or with the intention to evade the court. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

6. Notice of motion.

7. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

8. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

9. Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional, to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

10. Primary object of every Court is only to examine the commission of crime in question before it viz-a-viz the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay.

11. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

12. Considering all such aspects, this Court in the case of **Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case **Veena @ Veena Devi v. State of Punjab** (CRM-M-2206-2025, decided on 16.01.2025.

13. I have considered the submissions of both the sides and examined the relevant material available on record.

14. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner.

15. Accordingly, plea of the petitioner is accepted. Impugned order dated 15.01.2026 (Annexure P-1) is set aside to the extent of issuance of non-bailable warrants, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 20.04.2026.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/ affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, this order shall be subject to the payment of Rs.20,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

16. **With aforementioned terms, present petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

09.04.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No