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

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Decided on : 10.04.2026

Smt. Malti Bhargav**.....Petitioner**

Versus

State of Haryana and another**.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner, namely Smt. Malti Bhargav, aged 51 years has filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 27.10.2025 (P-4), passed by the learned Additional District and Sessions Judge, Narnaul, whereby bail of the petitioner has been cancelled and the bail bonds have been forfeited to the State, and non-bailable warrants have been issued against him

2. Learned counsel for the petitioner submits that the present case arises out of a complaint under Section 138 of the Negotiable Instruments Act filed by respondent No. 2 against the petitioner on the allegation that the petitioner had taken a friendly loan of Rs. 10,00,000/- and, in discharge thereof, issued a cheque, which was subsequently

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dishonoured, leading to filing of the complaint.

It is further submitted that the learned trial Court, without properly appreciating the facts and law, convicted the petitioner vide judgment dated 19.02.2025 and order of sentence dated 21.02.2025, whereby the petitioner was sentenced to undergo imprisonment for a period of one year along with compensation of Rs. 10,00,000/-. Copies of the judgment and order of sentence are annexed as Annexure P-1.

It is submitted that against the said judgment, the petitioner has preferred an appeal before the learned Sessions Judge, and a copy of the appeal dated 26.03.2025 is annexed as Annexure P-2.

It is further submitted that during the course of proceedings, the bail of the petitioner was cancelled by the learned Court below without appreciating the fact that the petitioner had been regularly appearing on each and every date of hearing and had been diligently facing the trial without any default on his part. The zimni orders reflecting his continuous appearance are annexed as Annexure P-3.

It is contended that the bail was cancelled solely on the ground that the petitioner failed to appear on 27.10.2025, without considering the fact that his earlier conduct had been consistent and cooperative. It is submitted that the petitioner could not appear on the said date due to illness, as he was suffering from fever and was unable to walk, and therefore his absence was neither intentional nor deliberate but due to circumstances beyond his control. Counsel for the petitioner

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submits that petitioner is now ready and willing to appear before the learned Trial Court and join the proceedings.

Counsel further submits that absence of petitioner was neither deliberate nor intentional, but was due to the reasons stated hereabove. In these circumstances, petitioners pray for the setting aside of the order dated 27.10.2025(P-4)

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners do not deserve any sympathy. Learned State counsel further submits that looking at their conduct, there is no surety that in future, petitioners would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of



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such accused is intentional to evade the process of law, he/she can be penalized after 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.

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

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)***.

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



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7. In the 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. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner. Petitioner is directed to appear before learned trial Court concerned on 30.04.2026 or within 15 days from today.

8. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

However, this order shall be subject to the payment of Rs.10,000/- 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.

9. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)

JUDGE

10.04.2026
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Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO