



CRM-M-20815-2026

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

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Decided on : 18.04.2026

Kuldeep**.....Petitioner**

Versus

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

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Parveen Kumar, Addl. A.G., Haryana.

SANJAY VASHISTH, J.

1. Petitioner, namely, Kuldeep, aged 35 years has filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 23.09.2025(P-1), passed by the learned Additional Sessions Judge, Fast Track, Special Court, NDPS Act, Hisar, 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 petitioner, has been falsely implicated in FIR No. 0318 dated 01.12.2022 under Sections 21(b), 27 (later on added Sections 21(B)C, 61, 85) of the NDPS Act, 1985, registered at Police Station Bass, District Hansi, District Hisar. It is further submitted that petitioner was granted bail by this Hon'ble Court and had been regularly appearing before the learned Trial Court;

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however, on 23.09.2025, he could not appear due to a medical emergency and his ongoing treatment for de-addiction.

Counsel further submits that petitioner was admitted in the New Search De-addiction and Rehabilitation Committee (Regd.), Tehsil Bhadra, District Hanumangarh, and as per certificate dated 06.04.2026 (Annexure P-6), it has been duly certified that the petitioner remained admitted in the said institution from 05.08.2025 to 05.10.2025. Thus, his absence on the relevant date was neither intentional nor willful but purely on account of his medical condition and treatment, which was beyond his control. In these circumstances, petitioners pray for the setting aside of the order dated 23.09.2025(P-1).

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner 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, petitioner 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

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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 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.”

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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.

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 08.05.2026 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 he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

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

(SANJAY VASHISTH)**JUDGE****18.04.2026**

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Whether Speaking/Reasoned:
Whether Reportable:

YES/NO
YES/NO