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

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Decided on : 05.05.2026

Javed

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

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

SANJAY VASHISTH, J.

1. Petitioner, namely Javed, aged 31 years, has filed the present petition under Section 528 of the BNSS, 2023, seeking quashing of the order dated 23.09.2025 (P-3) passed by the learned Judicial Magistrate First Class, Faridabad, whereby the bail of the petitioner was cancelled, his bail bonds were forfeited to the State, and non-bailable warrants were issued against him, along with all consequential proceedings arising therefrom.

2. After registration of the FIR, petitioner was arrested on 03.06.2025 and was subsequently released on bail on 04.06.2025.

Learned counsel for the petitioner submits that, on 05.07.2025, there is no record to indicate that any notice was ever served

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upon the petitioner, or, if served, what the report thereof was. Owing to lack of intimation, the petitioner did not appear, and his absence was recorded in the order dated 23.09.2025 (P-2). In the said order, it is recorded that notice sent to petitioner Javed was received back as served through second service; however, in fact, the petitioner never received any notice or summons for his appearance before the Court.

It is further submitted that, at the relevant time, challan had not been presented by the investigating agency; nevertheless, the bail granted to the petitioner was cancelled on 23.09.2025. Thereafter, final report/challan was submitted on 23.10.2025. However, even at that stage, there is nothing on record to show that any notice was issued either by the challan-presenting agency or by the Court to the petitioner informing him of the filing of the final report and requiring his presence. Subsequently, warrants of arrest were issued, and when the petitioner came to know about his absence and the consequential cancellation of bail, he, apprehending arrest, filed a petition seeking anticipatory bail, which was dismissed on 24.12.2025 (P-6).

3. Learned counsel for the petitioner further submits that the petitioner was under a bona fide belief that he would receive notice regarding the submission of the challan and would thereafter appear before the Court concerned, particularly as he had already joined the investigation prior to being released on regular bail.

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In these circumstances, petitioner prays for setting aside the order dated 23.09.2025 (P-3), as well as all consequential proceedings arising therefrom.

4. Notice of motion.

5. 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.

6. 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 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

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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)***.

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

8. In the totality of the circumstances, this Court is of the view that the petitioner deserves to be afforded one opportunity to appear



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before the learned Trial Court so that the proceedings may resume and continue smoothly. Accordingly, the 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 the learned Trial Court concerned on 22.05.2026 or within 15 days from today.

9. 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 his conduct.

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

05.05.2026
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(SANJAY VASHISTH)
JUDGE

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