

2026:PHHC:073977



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

135

CRM-M-22866-2026
Date of decision: 12.05.2026

ARSHAD @ ARSHAD KHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sanyam Khetarpal and Ms. Kajal Chaudhary,
Advocates for the petitioner.

Mr. B.S. Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing of order dated 20.08.2018 passed by the learned Sub Divisional Judicial Magistrate. District Pataudi, Haryana vide which the bail of the petitioner stands cancelled and his bail/surety bonds were forfeited.

2. Learned counsel submits that the petitioner was granted interim bail vide order dated 25.06.2018 on account of his marriage which was for 26.06.2018, whereafter, he could not surrender back due to unfortunate demise of his sister and additional responsibilities having fallen upon him. He is a driver by profession and had to go out of station to earn his livelihood. Besides, he was informed by his learned counsel that he had been granted regular bail and not required to surrender. Thereafter, he was arrested in another FIR registered at Police Station Thikri, District Barwani, M.P. and remained in custody. His bail in the present case was cancelled and non-bailable warrants

have been issued to be served through SHO concerned. His non-appearance was neither intentional nor deliberate but due to the aforesaid bona fide reasons. He is ready and willing to join the proceedings and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG, Haryana accepts notice on behalf of respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Heard.

6. The very purpose of issuance of warrants of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, had set aside the orders of non-bailable warrants.

8. Considering the fact that the absence of the petitioner was not willful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

9. As a consequence of the aforesaid, the impugned order dated 20.08.2018, Annexure P-4 is set aside.
10. The petitioner is directed to surrender before the trial Court on or before 26.05.2026, subject to deposit of Rs.5,000/- as costs with Poor Patients Welfare Fund, PGIMER, Chandigarh. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the learned Appellate Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.
11. The present petition is accordingly allowed.
12. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

12.05.2026
Rajender

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No