



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

135

CRM-M-26600-2026.

Date of Decision: 12.05.2026.

Maninder Singh

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manjot Singh Rai, Advocate for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Maninder Singh, aged 32 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 06.04.2024 (Annexure P-2), whereby Court of learned Judicial Magistrate Ist Class, Kurukshetra (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 on receipt of secret information, FIR No.279 dated 26.05.2022 under Sections 25-54-59 of the Arms Act, Police Station Kurukshetra University, Kurukshetra, was registered against three accused (1) Ashu Kumar, (2) Vikas and (3) Maninder. From the possession of petitioner-Maninder, one countrymade pistol .32 bore was recovered and after registration of FIR, petitioner was granted regular bail by the Court. After completion of investigation, challan was submitted on 26.08.2022 and thereafter petitioner had been appearing before the Court for

attending the proceedings and also in terms of the condition of bail. During the time, when the proceedings were going on, petitioner entered into lawful nuptial bond by marrying a woman belonging to a different community, whereas he himself is a Sikh and due to the reason of performing of inter-community marriage, petitioner and his spouse were facing real and imminent threat to their life and safety, because of this reason, petitioner could not remain in contact with his counsel and even had to stay away from the proceedings of the Court. Resultantly, on 06.04.2024, bail granted to the petitioner was cancelled and bonds were forfeited.

Counsel submits that despite cancellation of the bail more than a period of two years back i.e. on 06.04.2024, till date neither he has been declared 'proclaimed offender' nor any such FIR under Section 174-A of IPC (Section 209 of BNS) was registered. Further submits that even the anticipatory bail application filed by the petitioner was dismissed on 09.02.2026 by the trial Court, therefore, he has made up his mind to appear before the Court and join proceedings with the undertaking that in future he would remain present before the trial Court on each and every date of hearing and would not absent himself. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

3. Notice of motion.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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

11. 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.

12. Accordingly, plea of the petitioner is accepted. Impugned order dated 06.04.2024 (Annexure P-2) 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 **27.05.2026**.

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.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.

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

**(SANJAY VASHISTH)
JUDGE**

12.05.2026
jitender

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