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

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Decided on : 29.04.2026

Jitender Singh**.....Petitioner**

Versus

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

Present: Mr. Munish Behl, Advocate for the petitioner.

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

SANJAY VASHISTH, J.

1. Petitioner, namely Jitender Singh, aged 33 years, has filed the present petition under Section 528 of the BNSS, 2023, seeking quashing of the order dated 19.03.2025 (P-6) passed by the learned Judicial Magistrate First Class, Ambala, 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. Learned counsel for the petitioner contends that after the grant of anticipatory bail, the petitioner continued to appear before the learned Trial Court. However, on account of his absence on 19.03.2025, his bail was cancelled and non-bailable warrants were issued against him.

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3. Counsel further submits that, although not specifically challenged in the present petition, the petitioner has also been declared a proclaimed person vide order dated 27.04.2026 passed by the learned Judicial Magistrate First Class, Ambala. A photocopy of the said order has been produced in Court today and is taken on record. The Registry is directed to tag the same at the appropriate place in the paper book.

4. Without arguing at length, learned counsel submits that, in fact, a settlement/compromise had been arrived at between the parties, and therefore the petitioner was under the bona fide impression that his presence would not be required before the Court. Consequently, he had been seeking exemption from personal appearance.

5. Counsel also refers to the anticipatory bail order, wherein the factum of compromise had been duly pleaded and noticed by the Court, and was even acknowledged by the counsel for the complainant.

In these circumstances, petitioner prays for setting aside of the order dated 19.03.2025 (P-6), as well as all consequential proceedings arising therefrom.

6. Notice of motion.

7. 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.

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8. 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 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.



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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)***.

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

10. In the totality of the circumstances, this Court is of the view that the petitioner deserves to be afforded one opportunity to appear 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, as well as the consequential proceedings, including the order dated 27.04.2026 whereby the petitioner was declared a proclaimed person. Petitioner is directed to appear before the learned Trial Court concerned on 08.05.2026 or within 15 days from today.



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11. 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.

12. 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. However, it is made clear that in case an FIR under Section 209 of the BNS (corresponding to Section 174-A IPC) has already been registered and the same is pending and not under challenge before this Court in the present proceedings, the instant order shall be deemed to be inoperative.

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

(SANJAY VASHISTH)

JUDGE

29.04.2026

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