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CRM-M-24554-2026

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2026 PHHC 006684



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24554-2026

Date of decision: 15.05.2026

MANOJ KUMAR JHA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. J.S. Rana, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 06.03.2026 (Annexure P-1) and order dated 20.03.2026 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Gurugram in case bearing FIR No.353 dated 01.10.2015 registered under Sections 409, 420, 120B IPC at P.S. Sushant Lok, District Gurugram, whereby, the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants of arrest and further, application seeking recall of warrants was also dismissed vide order Annexure P-2 (*Colly*).

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. He submits that the petitioner had approached the Hon'ble High Court for quashing of the aforesaid FIR by way of CRM-M-8447-2026. He further submits that



the Hon'ble High Court had issued notice and was adjourned to 20.05.2026. He further submits that the proceedings before the learned Trial Court continued and the petitioner being a resident of Bengaluru could not appear before the learned Trial Court on 06.03.2026. He further submits that the petitioner had moved an application for exemption from personal appearance, however the same was dismissed by the learned Trial Court. Subsequently, vide order dated 06.03.2026, learned trial Court cancelled the bail of the petitioner, his bail bonds were forfeited and his non-bailable warrants were issued.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Mr. Gagandeep Singh Chhina, Sr. DAG Haryana who is present in Court, accepts notice for the respondent-State and submits that the impugned orders have been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the



8. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In the present case, the petitioner did not appear on 06.03.2026 before the learned Trial Court and on that day itself his bail was cancelled, bail bonds were forfeited to State followed by issuance of non-bailable warrants. By filing the present petition the petitioner has shown his intention to submit before the learned Trial Court.

9. The sole purpose of issuance of bailable/non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

10. Considering the totality of circumstances, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned orders dated 06.03.2026 (Annexure P-1) and 20.03.2026 (Annexure P-2) are set aside to the extent of cancellation of bail and issuance of non-bailable warrants only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 30.05.2026

11. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.



12. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, this order shall be deemed to be vacated.
13. With aforementioned terms, present petition stands disposed of.

15.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No