



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

159

**CRM-M-25020-2026.
Date of Decision: 04.05.2026.**

Manish Sinha

....Petitioner.

VERSUS

State of Haryana and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Dr. Mohammad Arshad, Advocate
Ms. Jhuma Rani, Advocate
Ms. Priti Mala, Advocate and
Mr. Mohd. Aadil Singha Hussain, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. Deputy Advocate General,
Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Manish Sinha, aged 42 years, has filed present petition under section 528 of BNSS for quashing of order dated 06.02.2023 (Annexure P-6), whereby Court of learned Additional Chief Judicial Magistrate, Rewari (trial Court), after cancellation of his bail and surety bonds, issued non-bailable warrants against him in case FIR No.170 dated 02.08.2022 under Section 174-A IPC, Police Station Sector-6, Dharuhera, District Rewari.

2. Learned counsel for the petitioner contends that absence of the petitioner and declaring him as Proclaimed Person in the proceedings of

complaint case under Section 138 of the Negotiable Instruments Act, petitioner faced an FIR No.170 dated 02.08.2022 under Section 174-A IPC, Police Station Sector-6, Dharuhera, District Rewari and in the said FIR, the petitioner was granted bail by the Court of learned Additional Chief Judicial Magistrate, Rewari, vide order dated 03.08.2022. However, after submission of final report (challan) by the prosecution agency, Court never issued notice to the petitioner nor there was any information of appearance before the Court.

In support of his submissions, learned counsel refers to zimni order dated 20.09.2022 (Annexure P-5). Further submits that subsequently also, neither any notice was ever served upon the petitioner nor even non-bailable warrants issued from time to time were received and it was also not even noticed by the Court also that non-bailable warrants were ever served upon him. Therefore, cancellation of bail, which had been granted earlier by the Court, is without any notice to the petitioner of his appearance before the Court. 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. This Court has noticed the submissions address by Dr. Mohammad Arshad, Advocate for the petitioner and finds that as per zimni orders, when challan was submitted, there is nothing recorded, if any notice was issued to the accused. Even subsequent to that, in all the zimni orders, issuance of non-bailable warrants and its executed report is recorded and it is *prima facie* enough to believe the contention that petitioner never received any intimation in regard to his appearance before the Court after submission of challan. Be that as it may, without going much deeper and to save the multiplicity of litigation and also the precious time of Court, this Court is 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.

11. Accordingly, plea of the petitioner is accepted. Impugned order dated 06.02.2023 (Annexure P-6) is set aside to the extent of issuance of cancellation of bail and issuance of non-bailable warrants, and petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **20.05.2026**.

The petitioner shall also furnish 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, it is made clear that no further opportunity shall be granted to the petitioner for the said purpose.**

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

**(SANJAY VASHISTH)
JUDGE**

04.05.2026
jitender

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