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CRM-M-26343-2025 (O&M)

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2026.PHHC.032715



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26343-2025 (O&M)

Date of decision: 27.02.2026

MADAN LAL

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Prashant Singh Chauhan, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS seeking setting aside of impugned order dated 22.04.2025 (Annexure P-6) passed by learned Chief Judicial Magistrate, Rewari in CHI-866-2024 in FIR No.231 dated 19.07.2023 under Sections 406 and 420 of IPC, registered at Police Station Rewari City, District Rewari, Haryana, whereby, non-bailable warrants of arrest were issued against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. However, on 08.01.2025, his bail was cancelled and bail bonds were forfeited. On 22.04.2025, an application seeking exemption was filed through the petitioner's counsel, stating that the petitioner being suffering from fever. The learned Trial Court, however, did not accept this ground and rejected the application and subsequently, on the same day, learned trial Court issued his non-bailable warrants.



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. Mohit Chaudhary, AAG, Haryana, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has 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 matter is taken up for final disposal.

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 22.04.2025 before the learned Trial Court and ultimately on 22.04.2025, non-bailable warrants were issued against him. 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 order dated 22.04.2025 is set aside to the extent of 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 within 02 weeks from today.

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.

14. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

27.02.2026
Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No