



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

158

CRM-M-26465-2026
Decided on : 18.05.2026

Pawan @ Monu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner.

SANJAY VASHISTH, J. (Oral)**CRM-21704-2026**

Application is allowed. Documents are taken on record.

Registry is directed to tag the same at an appropriate place.

Main case

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 20.04.2026 (Annexure P-3), passed by Ld. Sessions Judge, District Bhiwani, whereby after cancelling the bail of the petitioner, arrest warrants have been issued against him, on account of his non-appearance in case, i.e., SC/266/2023 in case FIR no.176 dated 04.07.2023 under Section 379-B and 34 IPC (Section 120-B and 201 of IPC was added later on) (corresponding Sections-303(2), 3(5), 61, 238 of BNS, 2023) and 25 of Arms Act, 1959 registered at Police Station Industrial, District Bhiwani.



2. Learned counsel for the petitioner appeared through Video Conferencing while sitting in a car, which was found to be contrary to the prescribed Video Conferencing norms. Consequently, he was not permitted to address arguments before this Court.

However, a perusal of the case file reveals that on 20.04.2026, the petitioner could not appear before the learned Trial Court as he was required to appear in another matter bearing No. SC/501/2023 arising out of FIR No. 31 dated 13.01.2023, registered under Sections 147, 149, 323, 365 and 506 IPC and Section 3(2)(v) of the SC/ST Act at Police Station Azad Nagar, Hisar, pending before the learned Additional Sessions Judge, Hisar. Petitioner could neither appear before the learned Sessions Court, Bhiwani nor could he file an application seeking exemption from personal appearance. Consequently, learned Sessions Court, Bhiwani cancelled the bail granted to the petitioner. Thus, pleads that absence of petitioner on the said date was neither intentional nor deliberate, but occurred solely due to the bona fide reasons stated hereinabove. It is further averred that the petitioner is now ready and willing to join the proceedings and abide by the process of law. Therefore, it is prayed that this Court may direct that, upon surrender before the learned Trial Court, the petitioner be released on bail and be protected from arrest.

The petitioner further undertakes that, in future, he shall not remain absent without prior permission of the Court and shall fully cooperate in the expeditious disposal of the trial.

3. Notice of motion.

4. Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana, puts an appearance, and opposes the request of the petitioner by submitting that



petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

5. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the Court to issue arrest bailable warrants by cancelling the bail already granted or such accused is declared 'Proclaimed Person'/Proclaimed Offender', after examining the facts, this Court has formulated to apply 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.

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.***

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court due to some unavoidable circumstances, and consequently, on 20.04.2026, impugned order cancelling the bail and issuance of warrants of arrest, has been passed against him. It also cannot be left unnoticed that on coming to know about passing of the impugned order, petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. 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. Accordingly, plea of the petitioner is accepted. Impugned order dated 20.04.2026 (P-3) is hereby **set aside** to the extent of issuance of arrest warrants against the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **05.06.2026.**



The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, 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.

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.

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

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

May 18, 2026

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