



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

CRM-M-27888-2026

Date of Decision: 18.05.2026

Kunal Bhardwaj @ Kartik

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Sumit Guleria, Advocate for the petitioner.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 528 of the BNSS, 2023, seeking quashing of the impugned order dated 22.04.2026 (Annexure P-7) passed by the Court of learned Principal Judge, Family Camp Court, Pataudi, whereby conditional warrants of arrest were issued against the petitioner in Execution Proceedings bearing No. CRM-743-2025 arising out of the order passed under Section 125 Cr.P.C.

2. The factual matrix of the case is that the marriage between the petitioner and respondent No.2 was solemnized on 27.04.2021, however, owing to some differences between the parties, respondent No.2 initiated proceedings under Section 125 Cr.P.C before the learned Principal Judge, Family Camp Court, Pataudi, Gurugram. It is further contended that the petitioner was never served in the said proceedings. The summons were deliberately sent to the incorrect address i.e. House No.736, Sector 8, Faridabad despite the fact that respondent No.2 had full knowledge of the correct address of the petitioner i.e. Flat No. 705, 7th Floor, Tower E, Adore Happy Homes, Sector 86, Faridabad.



2.1 Learned counsel for the petitioner further while placing reliance on reports of Process Server dated 08.09.2022, 28.02.2023 and 31.08.2023 (Annexures P-1 to P-3) submits that the petitioner was not residing at the said address and as such, the summons were never served upon him, consequently, proceeding *ex parte* in the case is bad in law and does not stand the test of judicial scrutiny. It is further contended that since the petitioner was *ex parte* in the main case, therefore, the learned Executing Court did not issue any notice to him in the execution proceedings and straightway, issued his conditional warrants of arrest.

2.2 Lastly, it is submitted that since the warrants were directed at the wrong address and the same remained unexecuted, therefore, the procedure followed by the learned trial Court as well as the learned Executing Court cannot be said to be valid and legal. The absence of the petitioner before the Court is neither willful nor intentional.

3. I have heard learned counsel for the petitioner and have gone through the case file carefully.

4. A perusal of the case file shows that the petitioner was not duly served and several reports were made by the Process Server that the petitioner had shifted to some other place. However, learned trial Court ordered the affixation of notice on the same address and while treating it to be a due and good service, proceeded *ex parte* against the petitioner.

5. This Court is of the opinion that the procedure followed by the learned trial Court is not in consonance with the mandate of law. Instead of



directing the petitioner (therein) to supply correct address of the respondent (therein), it proceeded to hear the proceedings *ex parte*.

6. Since the petitioner has chosen to file an application for setting aside the *ex-parte* order and judgment, therefore, this Court would refrain itself from expressing any opinion regarding the same lest it may prejudice the case of either of the parties pending before the learned trial Court.

7. In view of the above, without going into the merits of the case, the present petition is disposed of in *limine*. The operation of the impugned order dated 22.04.2026 (Annexure P-7) ordering issuance of conditional warrants against the petitioner is kept in abeyance subject to petitioner making payment of 50% amount of the maintenance awarded to respondent No.2-wife.

8. Needless to say that in case the petitioner fails to comply with the abovesaid condition, this order would be of no avail to him and the order dated 22.04.2026 (Annexure P-7) will come in force and the present petition shall be deemed to have been dismissed.

9. Nothing observed here-in-above shall be construed as an expression of opinion on the merits of the application which is pending before the learned trial Court.

10. All pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

18.05.2026
SN

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No