



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

Sr. No.143

**CRM-M-28842-2026
Date of Decision: 21.05.2026**

VAKIL SINGH @ GOPI

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

**Present:- Mr. Sumeet Singh Brar, Advocate
for the petitioner.**

MANDEEP PANNU, J. (Oral)

1. This petition has been filed under Section 528 of BNSS, (erstwhile 482 of Cr.P.C) for setting aside of impugned order dated 28.10.2024 (wrongly mentioned as 28.10.204) passed by Ld. Judicial Magistrate 1st Class, Rohtak (P/3) in case FIR No. 49, dated 29.01.2019, under Sections 5(III) and 17 of the Haryana Gauthansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animals Act, 1960, registered at Police Station Shivaji Colony, District Rohtak, Haryana vide which the bail bonds/surety bonds of the Petitioner were ordered to be cancelled, forfeited to the State and the non-bailable warrant of arrest was issued to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was never served with any notice prior to the passing of the impugned order cancelling his bail bonds and surety bonds, and was thus deprived of any opportunity to explain his non-appearance. It is further contended that,



although the order dated 28.10.2024 was passed, the non-bailable warrants issued against the petitioner were neither executed nor duly served, as is evident from the subsequent zimni orders dated 27.02.2025, 05.06.2025, 19.07.2025, and 05.12.2025. It is also pointed out that even the order dated 10.04.2026 passed by the learned Trial Court records that the proclamation proceedings were not properly served upon the petitioner. The petitioner further submits that he lacks awareness of legal technicalities and court procedures.

3. It is, therefore, contended that the petitioner's non-appearance was neither deliberate nor intentional, and being aggrieved by the impugned order, he has approached this Court by way of the present petition. It is prayed that the impugned order be quashed on the ground that the petitioner's absence was unintentional.

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. On the asking of the Court, Mr. Sushil Bhardwaj, Addl. A.G. Haryana 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 before the learned Trial Court and ultimately on 28.10.2024, his bail bonds/surety bonds stand cancelled and forfeited to State followed by issuance of non-bailable warrants of arrest. 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 28.10.2024 is set aside to the extent of cancellation of bail bonds/surety bonds 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 within a period of 10 days from today, subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh.

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. All pending miscellaneous application(s), if any, stands disposed of.

(MANDEEP PANNU)
JUDGE

21.05.2026
Anu

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No