



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

156

CRM-M-53390-2025

Date of Decision : 19.03.2026

HARENDER

...Petitioner

VERSUS**STATE OF HARYANA**

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Abhishek Goel, Advocate
for the petitioner.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.204 dated 01.05.2023, registered against him, for commission of offences punishable u/s 506, 307, 148, 149 of IPC and Section 25 of Arms Act and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) at Police Station Gannaur District Sonapat, has filed the present petition under Section 482 Cr.P.C. (now Section 528 of BNSS), seeking quashing of the order dated 26.05.2025 (Annexure P-3) passed by learned Additional Sessions Judge, Sonapat, vide which on account of his non-appearance, his bail was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants.

2. Perusal of documents placed on record reveal that after the concession of bail was granted to petitioner, he had been regularly appearing before the Court concerned till 20.02.2025. On 26.05.2025, on account of medical exigency in his family, petitioner could not appear before the Court and moved an application seeking exemption from personal appearance, which was declined by



the Court concerned. Resultantly, on account of his absence, the impugned order was passed. Admittedly, since then petitioner has not appeared before the learned Court.

3. Learned counsel prays for taking a lenient view in favour of the petitioner by readmitting him (P) to relief of bail, on the ground that his absence from the Court was not intentional but was on account of the reasons mentioned hereinabove. It has further been pointed out that till date Proclamation Proceedings have not been initiated. Learned counsel further contends that petitioner undertakes to surrender before the Court concerned immediately within a period of 10 days from today and to attend the Court proceedings regularly on each and every date of hearing. Accordingly, prayer has been made to set aside the impugned order dated 26.05.2025 (Annexure P-3).

4. Heard. Documents on record perused.

5. This Court in CRM-M-36490-2022, titled as ***Major Singh vs. State of Punjab, decided on 15.09.2022***, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In ***CRM-M-38277-2022, Surjit Singh vs. State of Punjab, dated 26.08.2022*** and ***CRM-M-39000-2022, titled as Raghav vs. State of Punjab, decided on 09.09.2022***, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

6. Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served a summons or if they are likely to abscond. Courts issue NBWs as a



last resort, after first attempting to secure attendance through summons and bailable warrants.

7. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 26.05.2025 (Annexure P-3), is set aside, subject to petitioner depositing costs of Rs.10,000/- with District Legal Services Authority and producing the receipt thereof before the learned trial Judge. Accordingly, present petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 10 days from today. On his appearance before the Court concerned, he shall be readmitted to bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the learned trial Judge. Petitioner is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

8. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid conditions, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AARADHNA SAWHNEY)
JUDGE

19.03.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No