

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

**CRM-M No.70513 of 2025  
Date of decision : 21.01.2026  
.....Petitioner**

**Sunil Kumar @ Sunil Mishra**

**versus**

**State of Haryana and another**

**..... Respondents**

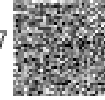
**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rahul Jaswal, Advocate for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for quashing of impugned order dated 17.11.2025 (Annexure P-4) passed by the learned Additional Sessions Judge (FTC), Panipat, whereby revoked the bail granted on 11.08.2023 (by which sentence was suspended) and issued non-bailable warrants against the petitioner in CRA No.277 of 2024 arising out from the CIS Case No.NACT/1088 of 2020 titled as '**Gopal Chand Vs. Sunil Mishra**'. Further prayer has been made for suspension of sentence granted on 11.08.2023, be restored.

2. Learned counsel for the petitioner has submitted that the petitioner was falsely prosecuted in a complaint filed under Section 138/142 of Negotiable Instruments Act. He has submitted that the petitioner was convicted by the learned Judicial Magistrate Ist Class, Panipat vide order dated 13.07.2023 and sentenced to undergo rigorous imprisonment for a period of 06 months and to pay compensation of Rs.1,50,000/- to the complainant. He has submitted that being aggrieved, the petitioner filed an appeal before the learned Additional Sessions Judge, Panipat and learned Appellate Court vide order dated 11.08.2023 suspended the sentence of the petitioner subject to deposit of 20% of total



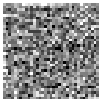
compensation amount, i.e. Rs.1,50,000/- before the Court. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that on 17.11.2025, petitioner's father was seriously ill and got hospitalized and thus, the petitioner could not appear before the trial Court. He has submitted that due to non appearance of the petitioner, learned trial Court revoked the bail granted and issued non-bailable warrants against the petitioner. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned Appellate Court and abide by the terms and conditions imposed upon her.

3. Notice of motion to official respondent No.1 at this stage.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State. He, on the other hand, has contended that bail order of the petitioner was rightly cancelled by the learned Appellate Court and warrant of arrest was issued against him, as he failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act, in which, he was convicted and sentenced to undergo rigorous imprisonment for a period of 06 months and to pay compensation of Rs.1,50,000/- to the complainant. Being aggrieved, the petitioner filed an appeal before learned Appellate Court, Panipat, however, his sentence has been suspended vide order dated 11.08.2023 subject to deposit of 20% of total compensation amount, i.e. Rs.1,50,000/- before the Court. Due to non-appearance of the petitioner before the learned Appellate Court, his bail



order was cancelled. Warrant of arrest was also issued against the petitioner. The reason given by the petitioner for his absence is that his father was seriously ill and got hospitalized on the same day. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 17.11.2025 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited in the Appellate Court concerned within ten days from the date of receipt of certified copy of this order, which will be paid to the complainant/respondent No.2. The trial Court will issue notice to the complainant and on his appearance Rs.10,000/- cost deposited by the petitioner will be released to him forthwith. The petitioner is directed to appear before the Appellate Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application, then the Appellate Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 17.11.2025 would come in force and the present petition would be deemed to have been dismissed.

21.01.2026

ps-I

Whether speaking/reasoned :  
Whether reportable :

Yes/No  
Yes/No

(RAJESH BHARDWAJ)  
JUDGE