



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

CRM-M-70126-2025
Date of Decision: 16.01.2026

Kishor Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. D.S. Virk, Advocate
for the petitioners.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. The instant petition has been filed by the petitioners for quashing the order dated 05.11.2024 (Annexure P-4) passed by the Court of learned JMIC, Kaithal in case arising out of FIR No.21 dated 03.07.2023 registered under Sections 471/468/467/420/419/120-B IPC, at Police Station Cyber Crime Kaithal, Distt. Kaithal whereby their bail was cancelled and bonds were forfeited to the State due to their non-appearance on that particular date and non-bailable warrants were ordered to be issued against them.

2. Learned counsel for the petitioners submits that lenient view be taken in favour of the petitioners by extending them the concession of bail as their absence was not intentional but was on account of some misunderstanding operating in their mind with regard to the next date of hearing and accordingly, prays for setting aside impugned order 05.11.2024 (Annexure P-4) passed by learned trial Court. Petitioners further undertake to surrender before the Court concerned and move application(s) for grant of bail.

Their only limited prayer is that the learned trial Court be directed to decide the bail application expeditiously.

3. Heard. Documents on record perused.

4. 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.

5. 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.

6. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 05.11.2024 (Annexure P-4), is set aside. Petition is disposed of with a direction to the petitioners to appear before the Court concerned within a period of 10 days from today. On their appearance, if they move application(s) for grant of bail, the same be sympathetically dealt with in the light of observations made hereinabove and the same be decided expeditiously by the learned trial Court (within 2 days).

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

16.01.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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