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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1958/2026, CRL.M.A. 8031/2026**

MR SUBEG SINGH

.....Petitioner

Through: Ms. Kajal Gautam, Ms. Zeeshan
Aishwarya Singh, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
the State with Mr. Dinesh Kumar,
Mr. Ashish Mahani and Ms.
Upasana Bakshi, Advocates with SI
Sudhir Yadav, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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17.03.2026

1. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973 (**Cr.P.C.**) read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the petitioner seeks quashing/ setting aside of the Non-Bailable Warrant (**NBW**) dated 06.03.2026 (**impugned order**), issued against the petitioner by the learned ASJ-05, South East, Saket Courts, New Delhi, (**learned Trial Court**) alongwith the consequential proceedings and order dated 11.03.2026 refusing to entertain the application for its cancellation/ recall as also direction to the learned Trial Court to list and decide the petitioner's application for cancellation of NBW on merits expeditiously.
2. Learned counsel for the petitioner submits that as per the medical



documents on record, the mother of the petitioner is suffering from the after effects of a brain stroke since and from January, 2025, she requires constant supervision care and assistance. As such, and also since the petitioner is the only son, he was not able to appear and moved an application for exemption from personal appearance before the learned Trial Court on 06.03.2026, *albeit*, with defects. However, the learned Trial Court proceeded to pass the impugned order and issue NBW against the petitioner ignoring the aforesaid position.

3. She further submits that non-appearance of the petitioner and the filing of the application on 06.03.2026 was unintentional for reasons beyond his control. The same is evident from the fact that the petitioner had appeared on the last date of hearing, i.e. 13.02.2026, when a fresh *vakalatnama* was also filed on his behalf. Lastly, she submits that though his non-appearance on the dates of hearings was recorded in another FIR No. 176/2022, registered at PS.: Lajpat Nagar, under *Sections 307/506/427/147/148/149/120B* of the Indian Penal Code, 1860 (*IPC*) and *Section 25/27* of the Arms Act, 1959, however, she undertakes on behalf of the petitioner that the petitioner shall appear before the learned Trial Court on every date of hearing without fail and while seeking any exemption, the same will always be accompanied by the relevant/concerned documents *qua* the reason(s) stated.

4. Issue notice. Learned APP for the State accepts notice. Considering the aforesaid undertaking, he submits that he has no objection if the present petition is allowed and the NBW issued against the petitioner *vide* order dated 06.03.2026 are cancelled.

5. As such, in view of the undertaking given by learned counsel for the



petitioner, the assertions made in the present petition as also in view of the no objection given by the learned APP for the State, the present petition is allowed and the NBW issued against the petitioner by the learned Trial Court *vide* order dated 06.03.2026 are cancelled.

6. Accordingly, the present petition is disposed of.

SAURABH BANERJEE, J

MARCH 17, 2026/bh