

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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2025:PHHC:107098



CRM-M-44335 of 2025 (O&M)  
DECIDED ON: 18<sup>th</sup> August, 2025

**Baljeet**

.....PETITIONER

VERSUS

**State of Haryana**

.....RESPONDENT

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.**

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

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**AARADHNA SAWHNEY, J (ORAL)**

1. Instant petition, under Section 528 of the BNSS, 2023 has been filed by petitioner, seeking quashing of order dated 15.05.2025 (Annexure P-4), whereby his bail was cancelled, bonds forfeited to the State and Warrants of arrest were issued, in case FIR No.384 dated 23.08.2019, under Sections 506, 323, 307, 149, 148, 120-B IPC and under Section 25 of Arms Act, at Police Station Sonapat Sadar District Sonapat.

2. Learned counsel for the petitioner contends that though initially FIR was registered under Sections 506, 323, 307, 149, 148, 120-B IPC and under Section 25 of Arms Act, at Police Station Sonapat Sadar District Sonapat, Haryana, however, subsequently, the petitioner was charge-sheeted under Sections, 148, 149, 323, 506 and 325 IPC. The petitioner was granted the concession of bail by the learned Chief Judicial Magistrate, Sonapat. Till 01.05.2025, the petitioner had been regularly appearing through his counsel before the learned Chief Judicial Magistrate but on different dates, when he could not appear, applications for

exemption were moved which were allowed by the Court. On 15.05.2025, on the ground of medical exigencies, the petitioner could not appear before the Court, as he was suffering from acute jaundice and was advised bed rest by the Doctor. On the said day i.e. 15.05.2025 learned Chief Judicial Magistrate, Sonapat cancelled the bail of the petitioner and issued warrants of arrest to procure his presence.

3. Learned counsel further contends that without affording any opportunity to appear, the learned Trial Court cancelled bail of the petitioner. He further submits that absence of the petitioner was not intentional but was on account of his ill health. Continuing further learned counsel submits that the petitioner is ready to join process of law, however, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest as also that in case, one opportunity is granted, the petitioner undertakes that he would regularly appear in the Court and would fully cooperate in the early disposal of the trial.

4. Notice of motion.

5. Ms. Shweta Nahata, DAG, Haryana puts in appearance and opposes the prayer of the petitioner by submitting that petitioner does not deserve any sympathy, as he has misused the concession of bail granted by the Court and that if lenient view is taken, there is every possibility that petitioner might abscond, thus delaying the trial.

6. I have heard learned counsel for the parties and perused the case file carefully.

7. Before proceeding further, it would be appropriate to refer to the judgment of Hon'ble the Supreme Court in case **Krishna Sharma alias Krishna Kumar Sharma Versus The State of West Bengal and another, 2024 (1) RCR (Criminal)820, Law Finder DOC Id# 2481419**, wherein it

has been held that *merely because the appellant did not appear personally could not have been a ground to cancel the bail. It was further held that the parameters for grant of bail and cancellation of bail are totally different. Bail already granted may be cancelled if it is found that the person who has been granted benefit of bail has violated any of the conditions or misused the process of law by influencing the witnesses and tempering with the evidence.*

Further, coordinate Bench of this Court in case of *Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025)*, decided on *16.01.2025* while considering similar plea of accused, who had failed to appear before the Court at appropriate time, observed as follows:

*“ In number of cases, this Court has considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”*

8. The reason for absence of the petitioner on the date fixed, as has been noticed above, is on account of medical ailment and is supported by medical documents on record. Further, at this stage, there is nothing to indicate that the prescription/OPD slips are not genuine/trustworthy.

9. In view of latest law laid down by Hon'ble the Supreme Court as also in view of discussion made hereinabove, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that

proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order dated 15.05.2025 (P-4) is hereby **set aside** to the extent of issuance of warrants of arrest. Petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 30.08.2025. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

10. In view of above, the present petition is allowed in the above mentioned terms.

18<sup>th</sup> August, 2025

*reema*

*Whether speaking/reasoned*      *Yes*  
*Whether reportable*                *No*

(AARADHNA SAWHNEY)  
JUDGE