



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

(123)

**CRM-M-48789-2025
Date of Decision: 03.9.2025**

Anami Dev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K.Bishnoi, Advocate
for the petitioner (through V.C.).

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 04.7.2025 (Annexure P-3), passed by learned Additional Sessions Judge, Fatehabad, vide which the regular bail of the petitioner has been cancelled and the subsequent order dated 22.8.2025 (Annexure P-9) in FIR No. 013 dated 09.1.2025, under Sections 137(2), 87 and 142 of BNS, 2023, registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner submits that vide order dated 06.3.2025 (Annexure P-2), the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Fatehabad. However, due to some unavoidable circumstances, the petitioner could not appear before the learned trial Court on the date fixed and vide impugned order dated 04.7.2025 (Annexure P-3), bail granted to the petitioner was ordered to be cancelled and the surety bonds were ordered to be forfeited to the State. Further, warrants of arrest of the petitioner and notice to his surety



were also issued. It is further submitted that on account of single non-appearance of the petitioner, the impugned order (Annexure P-3) was passed by the learned trial Court, without issuing prior notice to the petitioner. It has also been submitted that the absence of the petitioner was neither intentional nor deliberate, and that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon him by the trial Court.

3. Notice of motion.

4. Ms. Saumya Ahluwalia, Sr. DAG, Haryana accepts notice on behalf of respondent-State.

5. Heard.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure, 1973 is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the petitioner/accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

7. In view of the above, the present petition is allowed. Orders dated 04.7.2025 (Annexure P-3) and dated 22.8.2025 (Annexure P-9) along with proceedings emanating therefrom are hereby set aside subject to payment of cost of Rs. 10,000/- by the petitioner to be deposited with the ***Punjab State Legal Services Authority-Disaster Relief Fund, Account No. 44426937384, IFSC Code SBIN0014656, State Bank of India, Sector-68, SAS Nagar***, within 10 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court within a subsequent period of 15 days and file appropriate application for bail along with receipt of payment of cost. The trial Court would release the petitioner



on bail on the same bail bonds and surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to comply with the aforesaid direction within stipulated period then this order would be of no avail to the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

September 03, 2025
Gurpreet Singh

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