



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

**CRM-M-18582-2025**  
Date of Decision:- 04.04.2025

**RADHEY SHAYAM** ...Petitioner  
Vs.  
**STATE OF HARYANA** ...Respondent

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Sandeep Kumar Bhardwaj, Advocate for the petitioner.  
Ms. Ambika Sood, Addl. A.G, Haryana.

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**AMARJOT BHATTI, J.**

1. Petitioner Radhey Shayam filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside order dated 06.03.2025 (Annexure P-1) passed by learned Additional Sessions Judge, Gurugram vide which petitioner has been marked as absent. His bail bonds and surety bonds have been cancelled and forfeited to the State and his arrest warrants have been issued for 17.03.2025.
2. Learned counsel for petitioner pointed out that prior to this, petitioner was regularly appearing. On the date fixed, he was present in the morning but due to health problem he had to leave. He filed application seeking exemption (Annexure P-3) supported by medical record but the same was wrongly declined. There was no intentional absence on his part. It is submitted that he is ready to face the trial. Therefore, he may be given an opportunity to appear before the trial Court and be granted the relief of bail.

3. Petition is opposed by learned counsel representing State. All relevant documents are already annexed with the petition. Impugned order dated 06.03.2025 (Annexure P-1) indicates that petitioner was present in the morning and when case was called at 3.05 pm, counsel for accused moved an application for exemption along with medical certificate and the said application was declined and his arrest warrants were issued for 17.03.2025. Notice was also issued to the surety under Section 446 Cr.P.C.

4. I have considered the arguments and have gone through the record. Learned counsel for petitioner has annexed the application along with medical record of the petitioner. He has also annexed earlier zimni orders showing that petitioner was regularly appearing before the trial Court and to establish that there was no intentional absence on his part. Considering the aforesaid factual position, lenient view is taken. Petition filed by petitioner is accepted and impugned order dated 06.03.2025 (Annexure P-1) is accordingly set aside. He is directed to surrender before the trial Court within 7 days and be released on bail to the satisfaction of trial Court subject to deposit of costs of Rs.20,000/- with High Court Legal Services Committee.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)**  
**JUDGE**

**04.04.2025**

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