





same was rejected by the learned Additional Sessions Judge, Gurugram and due to his non-appearance, his bail bonds/surety bonds were cancelled and forfeited to the State and warrants of arrest along with notice to his surety were issued for 20.05.2025.

3. Learned counsel appearing for the petitioner submits that the non-appearance of the petitioner was not deliberate and intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. I have heard learned counsel for the petitioner and perused the record of the case with his able assistance.

6. A perusal of the order dated 22.04.2025 (Annexure P-6) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and wilful absence. The explanation offered for non appearance before the trial Court is justified and, therefore, the same is accepted.

7. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests



of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

8. The sole purpose of issuance of warrants of arrest is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the lower Appellate Court on each and every date.

9. In view of the aforesaid facts and circumstances, the present petition is allowed, without issuing notice to the respondent in order to save time of the Court and to avoid litigation expenses to be incurred on the part of the respondent. The impugned order dated 22.04.2025 (Annexure P-6), vide which the bail bonds and bail order of the petitioner was cancelled and warrants were issued, is hereby set aside.

10. The petitioner is directed to appear before the learned Additional Sessions Judge, Gurugram within a period of two weeks from today and on his doing so, he shall be admitted to bail on the same bail bonds and surety bonds already submitted to its satisfaction, subject to payment of Rs.10,000/- as costs, to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, for wasting precious time of the Court.

11. However, it is made clear that the petitioner will not take another adjournment and would address arguments on the issue pending before the learned Additional Sessions Judge, Gurugram on the next date of hearing.

12. The receipt of payment of costs imposed must be presented before the learned trial Court. The learned Court below is directed to grant bail to the



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petitioner only upon verification of the payment of said costs.

13. However, in case, the petitioner fails to surrender before the learned trial Court within the stipulated time period, the interim protection granted by this Court, shall be deemed to be vacated.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**02.05.2025**

*Neha*

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