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

CRM-M-55913-2025

Date of Decision: 01.10.2025

VINEET VERMA ALIAS VINIT VERMA Petitioner

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Kartar Singh, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 28.08.2025 (Annexure P-3) passed by Chief Judicial Magistrate, Kurukshetra whereby bail of the petitioner has been cancelled and bail bonds have been forfeited and arrest warrant has been issued in case arising out of FIR No.264 dated 11.07.2023 under Sections 323, 452, 506 and 509 of IPC registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1), on account of his absence on a single date.

2. Learned counsel for the petitioner contended that petitioner was facing the trial and Trial Court file had been sent to the Appellate Court and on 28.08.2025, the case was fixed for receiving of file. However, there was heavy rain on that day as a result of which there was traffic jam and he could not appear in the Court in time but his bail was cancelled at 12.30 PM. Thereafter, he had appeared and filed Power of



Attorney through his counsel on the same day but the bail was not restored. His absence was not intentional and he never intended to abscond or delay the trial. Learned counsel further contended that object of bail is not punitive but to ensure the presence of accused during the trial and his past conduct also establishes that he had no intention to break the process of law and he undertakes to abide by all the terms and conditions that may be imposed by the Court. It has been prayed that impugned order be set aside.

3. Notice of motion.

4. Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana, accepts notice on behalf of the State and has opposed the prayer and argued that petitioner absented and has hampered the trial and the impugned order is not liable to be quashed.

5. I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the material on the file.

6. A Co-ordinate Bench of this Court, in the judgment reported as Law Finder Doc.id# 2765158, 2025:NCPHHC:106708 “**Sahib Singh @ Saab Singh Vs. State of Punjab**” has held that issuance of non-bailable warrants should not be exercised in a mechanical manner and must be adopted sparingly, only upon recording cogent reasons reflecting the necessity of such a stringent course. It has been further held that cancellation of bail amounts to unjustifiable restriction on procedural rights of petitioner in the absence of any misconduct or deliberate attempt to evade proceedings and petitioner-accused was directed to appear before the trial Court and to furnish an undertaking to appear on each and every date of hearing and was ordered to be released on bail. It was



further held that object of bail is to secure appearance of accused at trial and deprivation of liberty must only be necessitated by extraordinary circumstances and courts should avoid punitive approach and adhere to procedural safeguards enshrined under the law. In holding so, reliance was placed upon 1978(1) SCC 118 “**Gurcharan Singh Vs. State (UT of Delhi)** and (2012) 1 SCC 40 “**Sanjay Chander Vs. CBI**”.

7. In the present case also, the record placed on file shows that the case was fixed for 28.08.2025 for prosecution evidence. However, accused could not appear and bail was cancelled at 12.30 PM and thereafter, he appeared on the same day and fresh Power of Attorney was filed on his behalf. Following orders were passed by the learned Trial Court:-

Order dated 28.08.2025

“Main file received. Case was called several times since morning but accused Vinit Verma did not turn up. It is 12:30 P.M. Further wait is not justified. As such, bail of accused is hereby canceled. His bail bonds and surety bonds stands forfeited to State. Now warrant of arrest against accused and notice to his surety be issued for 28.10.2025 under intimation to SHO P.S. concerned.

(Dr. Mohini)

Chief Judicial Magistrate,

Kurukshetra. UID No.HR0356.

File taken up again. Fresh power of attorney on behalf of accused Vinit Verma filed. Now to come up on 28.10.2025, the date already fixed.

(Dr. Mohini)



*Chief Judicial Magistrate,
Kurukshetra. UID No.HR0356.”*

8. A perusal of the aforesaid orders shows that no witness was present on 28.08.2025 and bail was cancelled at 12.30 PM itself. Since no witness was present, no substantial proceedings were going to be conducted and as such, it cannot be inferred that accused had willfully absented to hamper the trial. Rather, on account of his non-appearance, the Court could have issued notice or bailable warrants to secure his presence instead of passing the punitive order of cancellation of bail. Moreover, bail could have been cancelled and arrest warrants could have been issued only after recording a satisfaction that accused has willfully absented with cogent reasons reflecting the necessity of such a stringent course. As such, the absence of petitioner on the date fixed cannot be termed as willful or intentional so as to hamper the trial and thus, impugned order is liable to be set aside.

9. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 28.08.2025 (Annexure P-3) is set aside and it is ordered that petitioner shall be released on bail to the satisfaction of the trial Court on his appearance before the trial Court within 15 days from today. In case, he fails to appear within 15 days the benefit of bail granted by way of this order shall come to an end.

(YASHVIR SINGH RATHOR)
JUDGE

01.10.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No