

2025:PHHC:119379



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

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CRM-M-48921-2025 (O & M)

Date of decision: 03.09.2025

IRFAN AND ANR

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nafees Ahmad Khan, Advocate,  
for the petitioners.

**AMAN CHAUDHARY, J. (ORAL)**

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 09.07.2024, Annexure P-4, passed by learned Sessions Judge, Faridabad, vide which bail of the petitioners was cancelled and warrants of arrest were issued against them in FIR No.506 dated 20.08.2021, under Sections 147, 149, 323, 379-B, registered at Police Station Mujessar, Faridabad.

2. Learned counsel submits that the petitioners had a quarrel with their brother-in-law and the matter was settled, however, the incident having taken place led to the lodging of FIR on 20.08.2021 against them, wherein they were arrested on 07.10.2021 and granted regular bail, vide orders dated 21.12.2021 and 26.12.2021, whereafter they continued to regularly appear before the trial Court, but for on 09.07.2024 on account of the fact that they both are JCB drivers in Mumbai, had a communication gap with their learned counsel representing them.

Accordingly, their bail was cancelled and bail bonds were forfeited vide impugned order. Their anticipatory bail also came to be dismissed by the trial Court on 08.05.2025. They are ready and willing to join the proceedings on or before the next date of hearing which is 11.09.2025 and prays for grant of one opportunity for them to surrender before the trial Court, even if the same is subject to costs.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S.Saroha, DAG, Haryana, accepts notice on behalf of respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioners, as they had absented from the proceedings.

5. Heard.

6. The very purpose of issuance of warrant of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. The present petition has been filed on 27.08.2025 and warrants have been issued for 11.09.2025, which reflects the bona fide of the petitioners to join the proceedings.

8. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, the orders whereby non-bailable warrants were issued on account of his non-

appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

9. Reverting to the facts of the present case, the reasons for non-appearance of the petitioners that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful.

10. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioners to surrender and join the proceedings, which was incumbent upon them for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

11. As a consequence of the aforesaid, the impugned order dated 09.07.2024, Annexure P-4, is set aside and the petitioners are directed to surrender before the trial Court on or before 11.09.2025 and deposit Rs.10000/- each as costs with the Chandi Kusht Ashram, Sector 47-B, Chandigarh, whereupon, they be released on the same bail/surety bonds as had been furnished by them at the time of granting bail. They are also directed to furnish an undertaking by way of an affidavit that they will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. They shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and

circumstances of the present case.

12. The present petition is accordingly allowed.

13. Before parting with this order, it is made abundantly clear that in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

03.09.2025

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No