



CRM-M-34609-2025

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

**1. CRM-M-34609-2025
Date of decision: 04.07.2025**

**SUROOR E ...PETITIONER
VERSUS**

STATE OF PUNJAB ...RESPONDENT

2. CRM-M-34649-2025

**SHAHAL ...PETITIONER
VERSUS**

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Tarun Deora, Advocate for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
025	07.08.2023	Punjab State Cyber Crime, SAS Nagar	420/383/384/466/468/470/471/506/ 120-B IPC and Section 66-C, 66-D of Information and Technology Act, 2000

By this common judgment CRM-M-34609-2025 and CRM-M-34649-2025 are being decided together as impugned order in both the petition are same. Seeking the quashing of order dated 21.05.2025 (Annexure P-7), the accused-petitioner(s) have come up before this court under Section 528 of the BNSS, 2023.

2. Petitioner(s) were arraigned as an accused in the above-captioned matter and was on regular bail. On petitioner(s) failure to appear on 21.05.2025 before the trial Court, the concerned Court proceeded against the petitioner and cancelled their bail and forfeited their bail bonds and also issuedailable warrants against them.

3. Petitioners' counsel submits that petitioners are from the southern part of the country i.e State of Kerala. He further submits that the point to which the petitioner(s) want to draw the attention of this court is that the absence was not willful and was due to factors beyond the petitioner's control. He further submits that they undertake to appear on each and every date and not miss a single date and seeks quashing of order as they are unable to arrange surety in the case, they were asked to furnish fresh surety bond.

4. The primary object of service is to secure the accused's presence in trial. The petitioner(s) have approached this court on its own, establishing the bonafide at this stage.



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Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 528 BNSS and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 528 BNSS, this court deems it appropriate to grant the following limited relief to the petitioner(s), subject to compliance with the conditions mentioned in this order.

5. Petitioner absconded on 21.05.2025 and after cancellation of their bail matter was adjourned to 08.07.2025 for their presence. Perusal of the order reflect that case was not at such a stage i.e. evidence or for final arguments, when petitioner would choose to absent knowingly to delay the trial. Petitioner(s) approached this court immediately after vacation of June, which shows that absence was beyond their control. Moreover, petitioner are from southern part of the country and they are unable to arrange surety, if they are asked to furnish surety bonds, given such, the impugned order dated 21.05.2025 is set aside. Petitioner(s) are directed to appear before the trial Court on 22.07.2025

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

7. **Petition allowed subject to the compliance mentioned above.** Pending applications, if any, stand disposed of.

04.07.2025
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(ANOOP CHITKARA)
JUDGE

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