



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

128

CRM-M-44777-2025

Date of Decision : 19.08.2025

YOGESH KUMAR ALIAS GOURAV

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Instant petition, under Section 528 of the BNSS, 2023 has been filed by petitioner, seeking quashing of orders dated 26.06.2025 and 11.07.2025 (Annexure P-3 & P-4) passed by the learned Additional Sessions Judge, Fazilka, whereby his bail was cancelled, bail/surety bonds were forfeited to the State and warrants of arrest were issued, in case bearing FIR No.0019 dated 01.02.2020, registered against him for the commission of offences punishable u/s 379-B, 34, 411 IPC, Police Station City-1, Abohar, District Fazilka.

2. Short submissions by learned counsel for the petitioner is that after the petitioner was arrayed as an accused in the aforesaid FIR, he was granted bail by the learned Additional Sessions Judge, Fazilka in terms of order dated 24.02.2020 (appended as Annexure P-2). On culmination of investigation, challan was filed. Subsequently, charges were framed on 16.08.2022. Petitioner had been regularly appearing before the trial Court till 12.06.2025. Unfortunately, on 26.06.2025, he



could not appear before the trial Court on account of some misunderstanding operating in his mind with regard to the next date of the case. Resultantly, to procure his presence, notice was issued on 26.06.2025 for 11.07.2025. It appears that without any specific reason, non-bailable warrants were issued, which were received back with the report that the mother of the accused met the executing constable and disclosed that he had gone to Gurjarat. Based on this report, learned Additional Sessions Judge concluded that accused-petitioner is deliberately not appearing before the Court. Thus, cancelled the bail of the petitioner and his bail/surety bonds were forfeited to the State.

Learned counsel submits that when a specific order (dated 26.06.2025) had been passed by the learned Additional Sessions Judge (Vacation Judge), to issue notice to the petitioner to procure his presence, it is not clear as to in what circumstances, NBWs of accused were issued.

This being the factual backdrop of the case, learned counsel submits that petitioner, who has been regularly attending the Court, be afforded with one opportunity to appear before the Court concerned. He also undertakes to abide by all the condition so imposed by the Court.

4. Notice of motion.

5. Mr. Kamalpreet Bawa, DAG, Punjab, puts in appearance and opposes the prayer of the petitioner by submitting that petitioner does not deserve any sympathy, as he has misused the concession of bail granted by the Court and that if lenient view is taken, there is every possibility that petitioner might abscond, thus delaying the trial.

6. I have heard learned counsel for the parties and perused the case file carefully.



7. Before proceeding further, it would be appropriate to refer to the judgment of Hon'ble the Supreme Court in case **Krishna Sharma alias Krishna Kumar Sharma Versus The State of West Bengal and another, 2024 (1) RCR (Criminal)820, Law Finder DOC Id# 2481419**, wherein it has been held that ***merely because the appellant did not appear personally could not have been a ground to cancel the bail. It was further held that the parameters for grant of bail and cancellation of bail are totally different. Bail already granted may be cancelled if it is found that the person who has been granted benefit of bail has violated any of the conditions or misused the process of law by influencing the witnesses and tempering with the evidence.***

Further, coordinate Bench of this Court in case of ***Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025), decided on 16.01.2025*** while considering similar plea of accused, who had failed to appear before the Court at appropriate time, observed as follows:

“ In number of cases, this Court has considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

8. The reason for absence of the petitioner on the date fixed, as has been noticed above, is on account of misunderstanding.



9. In view of latest law laid down by Hon'ble the Supreme Court as also in view of discussion made hereinabove, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order dated 11.07.2025 (P-4) is hereby **set aside** to the extent of issuance of warrants of arrest. Petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 27.08.2025. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

10. In view of above, the present petition is allowed in the above mentioned terms.

(AARADHNA SAWHNEY)
JUDGE

19.08.2025

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>