



CRM-M-36934-2025

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116 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36934-2025

Date of decision: 15.07.2025

KADHAR BASHA JMA @ KADAR BASHA  
@ KADAR BASA @ KADAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Naveen K. Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
397	26.07.2016	120-B/406/420 IPC	Civil Lines Gurgaon, District Gurugram

1. Petitioner was arraigned as an accused in the above-captioned matter and was on regular bail. On petitioner's failure to appear on 28.03.2025 before the trial Court, the concerned Court proceeded against the petitioner and cancelled his bail and forfeited his bail bonds and also issued non-bailable warrants against him.

2. Petitioners' counsel submits that the point to which the petitioner 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 he undertakes to appear on each and every date and not miss a single date and seeks quashing of order as he is unable to arrange surety in the case, he asked to furnish fresh surety bond.

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

4. Petitioner absconded on 28.03.2025 and after cancellation of his bail matter was adjourned to 15.07.2025 for his presence through non-bailable warrants. Perusal of the order



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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 approached this court immediately, which shows that absence was beyond his control, given such, the impugned order dated 28.03.2025 is set aside. Petitioner is directed to appear before the trial Court on the date fixed or 25.07.2025 whichever is earlier.

5. 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.

6. **Petition allowed subject to the compliance mentioned above.** In case of failure of petitioner to appear on or before 25.07.2025, this order stands recalled automatically without any reference to this Court. Pending applications, if any, stand disposed of.

15.07.2025  
*renubala*

(ANOOP CHITKARA)  
JUDGE

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