

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

2025:PHHC:111563



CRM-M-45567 of 2025 (O&M)
DECIDED ON: 22nd August, 2025

Mohit

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.

Present: Mr. Abhishek Goel, Advocate for the petitioner.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is an accused in case FIR No.384 dated 23.08.2019, registered under Sections 506, 323, 307, 149, 148, 120-B IPC and under Section 25 of Arms Act, at Police Station Sonapat Sadar District Sonapat, has prayed for quashing of order dated 15.05.2025 (Annexure P-3) whereby his bail was cancelled, bonds forfeited to the State and warrants of arrest were issued.

2. Learned counsel for the petitioner submits that initially FIR was registered under Sections 506, 323, 307, 149, 148, 120-B IPC and under Section 25 of Arms Act, at Police Station Sonapat Sadar District Sonapat, Haryana, however, subsequently, the petitioner was charge-sheeted under Sections, 148, 149, 323, 506 and 325 IPC. The petitioner was granted the concession of bail by the learned Chief Judicial Magistrate, Sonapat.

3. On 01.05.2025, the petitioner appeared in the Court at 11:30 a.m. His presence has also been marked in the first order of even date. However, since his counsel was not present at the relevant time, the case was adjourned to be taken up at 01:30 p.m. However, as is apparent from the second order of the said day, the file was taken up at 01:00 p.m. when

neither petitioner nor his counsel appeared. At 03:30 p.m. learned Chief Judicial Magistrate, Sonapat concluded that the petitioner has deliberately left the Court and without affording him any opportunity to appear, in routine mechanical manner, his bail was cancelled, personal and surety bonds were forfeited to the State and Warrants of arrest were issued.

* Learned counsel submits that the petitioner was present in the pre-lunch session and even his presence was marked and the case was adjourned to be taken up at 01:30 p.m. However, quite contrary to this, the file was taken up at 01:00 p.m. There was some misunderstanding operating in the mind of the petitioner, though the petitioner put in appearance after lunch also but by that time bail had been cancelled, bonds forfeited to State and Warrants of arrest has been issued. Continuing further learned counsel submits that the petitioner is ready to join process of law, however, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest as also that in case, one opportunity is granted, the petitioner undertakes that he would regularly appear in the Court and would fully cooperate in the early disposal of the trial.

4. Notice of motion.

5. Ms. Shweta Nahata, DAG, Haryana 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.

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. In view of discussion made hereinabove, I am of the view that in the larger interest of justice, 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 15.05.2025 (P-3) 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 30.08.2025. 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.

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

(AARADHNA SAWHNEY)
JUDGE

22nd August, 2025

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Whether speaking/reasoned Yes
Whether reportable No