



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

**CRM-25873-2025 in/and  
CRM-M-35713-2025  
Date of Decision:10.07.025**

Mohd. Yusuf Khan ...Petitioner

Vs.

State of Haryana ...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present: Mr. Soeb Khan, Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to set aside the order dated 16.07.2024 (Annexure A-4), passed by the Court of Additional Sessions Judge, Palwal, whereby, the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioner contends that one FIR No.104, dated 17.05.2019, under Sections 34,307 of IPC and 25 of Arms Act was ordered to be registered against the petitioner and others at Police Station Baheen, District Palwal. He further contends that after registration of the FIR, petitioner was arrested on 02.12.2019 and was granted the concession of bail vide order dated 21.09.2022 (Annexure A-2). Thereafter, the petitioner was regularly appearing before the Trial Court. On 16.07.2024, the petitioner was

unwell and he informed his counsel before the Trial Court. However, the counsel for the petitioner/accused did not appear before the Trial Court. Ultimately, vide the impugned order dated 16.07.2024 (Annexure A-4) his bail was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State.

3. Learned counsel for the petitioner further contends that petitioner could not appear before the Trial Court only on one date i.e. 16.07.2024, due to the fact that he was not maintaining good health and the Trial Court had cancelled the bail in an exceptional hurry. He further contends that in fact, the act of non-appearance on his part was unintentional and his past conduct should have been seen by the Court.

4. I have heard learned counsel for the petitioner and perused the record carefully.

5. It is apparent from the record of the case that the petitioner, who is facing other criminal cases, could not appear on 16.07.2024 before the Trial Court and as a consequence, his bail bonds and surety bonds were ordered to be forfeited to the State. The petitioner has filed the present petition against the said order after a delay of one year and has not mentioned any reason, which prevented from approaching this Court in the last one year. Apparently, it can be viewed that the petitioner intentionally did not appear before the Trial Court and managed to delay the trial for a period of one year. Learned counsel for the petitioner further tried to justify his absence from the Trial Court on the ground that he was arrested in another criminal case on 17.01.2025 and was granted the concession of bail on 21.04.2025. However, again he could very well apply for same relief after 21.04.2025, when he was ordered to be released on bail by the

Court of law.

6. Still further, this Court has also noticed the various zimni orders (Annexures A-5 to A-8) passed by the Trial Court on 04.11.2024, 04.01.2025, 25.02.2025 and 15.04.2025 that in the present case, the accused are making concerted effort to delay the trial by remaining absent during the trial proceedings.

7. The Trial Court is directed to ensure that all the accused should appear before the Trial Court on the date of hearing and in case, any accused remains absent, without justifiable reasons, his bail may be cancelled on the same day itself.

8. In view of the above discussion, finding no merits, the present petition is ordered to be dismissed, by this Court.

9. The Trial Court is directed to proceed with the matter expeditiously. In case, any accused does not appear before the Court, the Court will be at liberty to issue coercive process against such accused.

10. Pending application(s), if any, stand(s), disposed of, accordingly.

10.07.2025  
*hitesh*

**(N.S.SHEKHAWAT)**  
**JUDGE**

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