



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

125

CRM-M-53867-2025 (O&M)

Date of decision: 23.09.2025

Dharampal Saxena Alias Dharampal

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Hritik Gupta, Advocate for
Mr. Amit Choudhary, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing of order dated 13.02.2025 passed by learned Additional Sessions Judge, Hisar, whereby the order dated 30.08.2019 was cancelled and his bail bonds were forfeited to the State in an Criminal Appeal No. CRA-3533-2019.

2. Learned counsel submits that the petitioner was summoned in a complaint filed under Section 138 of NI Act, wherein he was convicted by the trial Court vide judgment dated 02.08.2019, Annexure P-3, thereafter, he had preferred an appeal against the same before the learned Appellate Court and his sentence was ordered to suspended vide order dated 30.08.2019, whereafter, he continued to appear before the Appellate Court but for 13.02.2025. On that day, he being not well, had filed an application for exemption from personal appearance, which came to be dismissed vide impugned order and his bail was cancelled and bonds forfeited to the State as also warrants of arrest had been issued for 22.04.2025 and 17.07.2025, however, the same were received back unexecuted and again issued for 24.10.2025. He further submits that the petitioner is ready and willing to join



the proceedings and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG Haryana accepts notice on behalf of respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

5. Heard.

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, had set aside the orders of non-bailable warrants.

8. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

9. As a consequence of the aforesaid, the impugned order dated 13.02.2025 is set aside and the petitioner is directed to surrender before the learned Appellate Court on or before 14.10.2025 and deposit Rs.10000/- as costs



with the Punjab and Haryana High Court Employees Welfare Association, having account No.37167209613, High Court Branch, SBI, Chandigarh, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the learned Appellate Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

10. The present petition is accordingly allowed.

11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

23.09.2025

M.Kamra

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