



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

**CRM-M-34598-2025  
Date of decision: 07.07.2025**

**KESHAV AND ANOTHER**

**...PETITIONERS**

**V/S**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rakesh Kumar Lathwal, Advocate for the petitioners.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of impugned orders dated 05.10.2023, 13.05.2024, 03.06.2024, 17.08.2024, 07.03.2025, 19.04.2025, 25.04.2025, 09.05.2025, 23.05.2025, 05.06.2025, 12.06.2025 and 26.06.2025 (Annexures P-4 to P-15 respectively) passed by learned Judicial Magistrate Ist Class, Sonipat in case bearing FIR No.211 dated 04.05.2020 registered under Sections 188, 323, 506, 34 of IPC at Police Station Sadar Sonipat, District Sonipat, whereby, the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants.

2. Learned counsel for the petitioners submits that due to some misunderstanding with the counsel, the petitioners failed to appear before the learned trial Court. Due to their non-appearance, the learned trial Court has cancelled the bail of the petitioners and their non-bailable warrants were issued.

3. Learned counsel for the petitioners *inter alia* contends that non-appearance of the petitioners was not deliberate or intentional and thus, aggrieved by the said orders, they have approached this Court by way of



instant petition. It is contended that the impugned orders are liable to be set aside on the ground of unintentional non-appearance of the petitioners.

4. It is also submitted that the petitioners undertake to appear before the trial Court on each and every date.

5. Notice of motion.

6. Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice for the respondent-State and submits that the impugned orders have been passed on the sole ground of the absence of the petitioners, however, it is not disputed by him that petitioners were already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

9. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.



10. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the trial Court. The petitioners in the present case have themselves come forward and have undertaken to appear before the trial Court on each and every date.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned orders dated 05.10.2023, 13.05.2024, 03.06.2024, 17.08.2024, 07.03.2025, 19.04.2025, 25.04.2025, 09.05.2025, 23.05.2025, 05.06.2025, 12.06.2025 and 26.06.2025 (Annexures P-4 to P-15 respectively), vide which, the bail bonds and bail order of the petitioners were cancelled and non-bailable warrants were issued, are hereby set aside.

12. Petitioners are directed to appear before the trial Court within a period of four weeks and on their doing so, they shall be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- each to be deposited with Poor Patients Welfare Funds, PGIMER, Chandigarh for wasting precious time of the Court.

13. Receipts of payment of cost must be presented before learned trial Court and learned trial Court is directed to verify the same.

14. It is made clear that in case, petitioners fail to appear before the trial Court within a stipulated period, the interim protection granted by this Court shall be deemed to be vacated.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**July 07, 2025**  
*manisha*

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No