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

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Date of Decision: 23.04.2026.

Anish @ Hanish

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Anish @ Hanish, aged 36 years, has filed present petition under section 528 of BNSS for quashing of the order dated 10.11.2025 (Annexure P-3), whereby Court of learned Judicial Magistrate Ist Class, Nuh (trial Court) has issued warrant of arrest against the petitioner after cancellation of his bail in case FIR No.338 dated 30.12.2021 under Sections 419, 420, 467, 468, 471, 120B IPC, registered at Police Station City Nuh.

2. Learned counsel for the petitioner argues that after registration of the FIR, petitioner was granted anticipatory bail by the court of learned Additional Session Judge, Mewat, vide order dated 07.02.2022 (Annexure P-2). Before granting of bail, the required interrogation had already been conducted and petitioner had joined the investigation. Throughout the proceedings, the petitioner continued to appear before the Court, however, on



account of his absence on 13.02.2025, his application for exemption from personal appearance was rejected and his bail was cancelled, but the petitioner surrendered to the Court on 16.07.2025 and his bail was allowed. Again on 10.11.2025, application seeking exemption from personal appearance of the petitioner was moved, which was dismissed vide impugned order dated 10.11.2025 (Annexure P-3). Counsel contends that as the petitioner is a Truck driver by profession and on the said date, he was away on his vehicle for earning his livelihood. The petitioner is now willing to appear before the Court to join the process of law. However, he seeks one opportunity for the same purpose subject to payment of some cost.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evaded the proceedings before the trial Court. Learned State counsel further submits that looking at the behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

6. Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional, to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some



cost amount subject to his/her capacity to pay.

7. Primary object of every Court is only to examine the commission of crime in question before it viz-a-viz the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay.

8. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

9. Considering all such aspects, this Court in the case of **Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111** 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.”

Again, this Court has considered the aforementioned similar plea in case **Veena @ Veena Devi v. State of Punjab** (CRM-M-2206-2025, decided on 16.01.2025.

10. I have considered the submissions of both the sides and examined the relevant material available on record.

11. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings



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may restart and continue in smooth manner.

12. Accordingly, plea of the petitioner is accepted. Impugned order dated 10.11.2025 (Annexure P-3) is set aside to the extent of issuance of warrant of arrest against the petitioner and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 11.05.2026.

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.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

13. With aforementioned terms, present **petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

23.04.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No