



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

**CRM-M-25056-2026 (O&M)
DECIDED ON: 13.05.2026**

RAHUL WALIA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. This petition has been filed under Section 528 of BNSS, erstwhile 482 of Cr.P.C for quashing of impugned order dated 28.10.2025 (Annexure P-2) passed by the learned Judicial Magistrate First Class, Ambala, whereby solely on account of non-appearance of the petitioner on one date of hearing, his bail has been cancelled, bail and surety bonds have been ordered to be forfeited to the State, and arrest warrants have been issued against the petitioner in Case No. CHI/1000/2022 arising out of FIR No. 578 dated 29.12.2021 under Sections 115(2) BNS / 323 IPC, 352 BNS / 504 IPC and 351(2) / (3) BNS / 506 IPC, registered at Police Station Ambala City, District Ambala.

2. Learned counsel for the petitioner submits that it is only on one occasion i.e. on 28.10.2025, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every



date. He further submits that the absence of the petitioner on the said date was owing to a medical emergency, as the petitioner was suffering from a serious medical condition arising out of a ruptured appendix, which required immediate medical attention and treatment. Due to his absence on the said date, his bail stands cancelled, bail/surety bonds were forfeited to the State and warrants of arrest were issued against him.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be quashed on the ground of unintentional non-appearance of the petitioner.

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

5. I have heard learned counsel for the petitioner and perused the record of the case file.

6. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In the present case, the petitioner did not appear on 28.10.2025 before the learned Trial Court and ultimately on 28.10.2025, his bail stands cancelled, bail/surety bonds were forfeited to State followed by issuance of warrants of arrest. By filing the present petition, the petitioner has shown his intention to submit before the learned Trial Court.

7. The sole purpose of issuance of bailable/non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.



8. Considering the totality of circumstances and particularly the fact that the absence of the petitioner on the said date was owing to a medical emergency, as the petitioner was suffering from a serious medical condition arising out of a ruptured appendix, which required immediate medical attention and treatment, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned order dated 28.10.2025 is set aside to the extent of cancellation of bail of the petitioner and issuance of warrants of arrest only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court within a period of 10 days from today, subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh.

9. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.

10. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, this order shall be deemed to be vacated.

11. With aforementioned terms, present petition stands disposed of.

12. All pending miscellaneous application(s), if any, stands disposed of.

(MANDEEP PANNU)
JUDGE

13.05.2026

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No