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

CRM-M-27243-2026

Date of decision: 13.05.2026

SEEMA SANGLA AND ORS.

....Petitioners

Versus

**THE COMMISSION FOR AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS AND
ANR.**

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vikram Singh, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned orders dated 03.02.2026 (Annexure P-11), 23.02.2026 (Annexure P-12) and 28.04.2026 (Annexure P-14) passed by learned Judicial Magistrate Ist Class/Civil Judge (Jr. Division), Panipat in a complaint case bearing No.COMI-314-2024 titled as '*The Commission for Air Quality Management vs. M/s Jai Krishan Baba Project*' filed under Section 14 for violation of Section 12 of Commission of Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (Annexure P-1) dated 22.11.2024, whereby, non-bailable warrants of arrest were issued against the petitioners.

2. Learned counsel for the petitioners submits that the aforesaid complaint in question was filed on 22.11.2024 and the case was adjourned on the point of summoning of the petitioners. He submits that thereafter, on



25.04.2025 counsel for the petitioners appeared before the learned Trial Court and further the case was adjourned for personal appearance of the petitioners and accordingly the petitioners appeared before the learned Trial Court. He further submits that the case was adjourned on multiple occasions and arguments were not advanced by the counsel for the complainant for summoning of the petitioners and finally vide order dated 20.12.2025, the petitioners were ordered to be summoned by the learned Trial Court after observing that the petitioners had already appeared before the learned Trial Court prior in time.

3. Learned counsel for the petitioners submits that non-bailable warrants were issued against the petitioners vide order dated 03.02.2026 (Annexure P-11) ignoring the fact that the petitioners had appeared before the learned Trial Court much prior in time, post the issuance of notice and got their statements recorded. He further submits that the petitioners had moved application seeking recall of the order dated 03.02.2026 (Annexure P-11), however, the same was dismissed vide order dated 23.02.2026 (Annexure P-12) and further the petitioners had moved an application to adjourn the matter, however, the same was also dismissed by the learned Trial Court vide order dated 28.04.2026 (Annexure P-14).

4. 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.



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

6. Notice of motion.

7. Mr. Mohit Chaudhary, AAG Haryana, who is present in Court, accepts notice for the respondent No.1 and 2 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 the petitioners had appeared before the learned Trial Court much prior in time before the learned trial Court.

8. 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.

9. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In the present case, the petitioners did not appear on 03.02.2026 before the learned Trial Court and on that day itself non-bailable warrants were issued against the petitioners. By filing the present petition the petitioners have shown their intention to submit before the learned Trial Court.

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

11. Considering the totality of circumstances, this Court is of the view that the petitioners can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioners is accepted.



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Impugned orders dated 03.02.2026 (Annexure P-11), 23.02.2026 (Annexure P-12) and 28.04.2026 (Annexure P-14) are set aside to the extent of issuance of non-bailable warrants, and petitioners are directed to be released on bail, in the eventuality of surrender by them before the trial Court on or before 28.05.2026.

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

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

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

13.05.2026

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(RUPINDERJIT CHAHAL)
JUDGE

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No