



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(131)

CRM-M-32705-2026
Date of Decision:-02.06.2026

AJAY KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 482 Cr.P.C.) seeking quashing of the impugned order dated 27.05.2026 (Annexure P-4) passed by the learned Sessions Judge, Sirsa, whereby, on account of non-appearance of the petitioner, his bail was cancelled and the bail bonds and sureties were forfeited to the State in FIR No.367 dated 04.09.2019, registered under Sections 323, 341, 506, 307 & 34 of IPC (corresponding Sections 115(2), 126(2), 351(2), 109 & 3(5) of BNS) at Police Station Rania, District Sirsa, and non-bailable warrants were issued against him.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by learned Additional Sessions Judge, Sirsa vide order dated 26.02.2020 and thereafter, he had been regularly appearing before the learned trial Court. It is contended that it was



only due to the reason that on 25.05.2026 petitioner visited his brother-in-law who had recently been blessed with a child. However, during his stay, the petitioner suffered from food poisoning, resulting in a sudden deterioration of his health. Owing to his medical condition, the petitioner was neither in a position to travel nor to inform his learned counsel so that an appropriate application seeking exemption from personal appearance could be moved before the learned trial Court. Consequently, the petitioner remained absent on the said date, whereupon the impugned order came to be passed.

3. Issue notice of motion.

4. Ms. Swati Batra, Sr. DAG, Haryana (along with investigating officer-Mr. Mukesh Kumar, ASI) accepts notice on behalf of the respondent-State. Learned State counsel further submits that the petitioner is deliberately procrastinating the trial by absenting himself on the date fixed before the learned trial Court. It is contended that the petitioner has misused the concession of bail, and on account of his absence, the deposition of the injured witness could not be recorded on the date in question, which ultimately led to the passing of the impugned order. Learned counsel submits that now matter is fixed before the trial Court for tomorrow i.e. **03.06.2026**.

5. Heard learned counsel for the petitioner at length.

6. Admittedly, the matter is now fixed before the learned trial Court for 03.06.2026 and considering the judgment passed by the Hon'ble Supreme Court of India in case titled as ***"Krishna Sharma @ Krishna***

***Kumar Sharma Vs. The State of West Bengal and another” SLP (Crl.)***

No. 12829 of 2023, the relevant extract of which reads as under:

“However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”

7. In light of the above and considering the ratio of law as laid down by the Hon’ble Supreme Court of India, the petitioner is directed to appear before the learned trial Court tomorrow i.e. **03.06.2026** and shall be released on bail by furnishing fresh bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

8. With the above said direction, the present petition stands disposed of, subject to payment of cost of Rs. 5,000/- to be deposited by the petitioner in the concerned DLSA.

(ALOK JAIN)
JUDGE

02.06.2026
Deepak Patwal

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