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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ARAVIND KUMAR; J., PRASANNA B. VARALE; J.
SLP (CRIMINAL) NO. 19050 OF 2025; January 7, 2026
MEENAKSHI versus STATE OF HARYANA & ANOTHER

Criminal Procedure – Attendance of Accused during Appeal/Revision – Suspension of Sentence – Validity of requiring physical presence on every hearing date – The Supreme Court held that once a sentence has been suspended and bail has been granted by an Appellate or Revisional Court, it is "unwarranted" and "burdensome" to require the accused to be present on every date of hearing - Such a practice serves no purpose, as the jurisdictional magistrate remains empowered to secure the accused's presence should the appeal or revision eventually be dismissed - noted that even if the prevalent practice is driven by the terms of Form No. 45 (Schedule II of the CrPC/BNSS) regarding bail bonds, it does not justify mandatory attendance for proceedings that may remain pending for years. [Paras 6 - 8]

Judicial Conduct – Appellate Court's handling of Non-Appearance – The Supreme Court expressed that it was "appalling and shocking" for an Appellate Court to insist on the appearance of an appellant on every date despite a suspension of sentence - If a counsel is not assisting or has been changed frequently, the appropriate course is for the Court to appoint an amicus curiae or allow the accused to make alternative arrangements, rather than immediately cancelling bail and issuing Non-Bailable Warrants (NBW).

[Arising out of impugned final judgment and order dated 14-11-2025 in CRM-M No.56737/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s): Mr. Dhruv Gautam, AOR Mr. Abhishek Tongar, Adv.

For Respondent(s): Mr. Lokesh Sinhal, Sr. A.A.G. Mr. Madhav Sinhal, Adv. Mr. Akshay Amritanshu, AOR Mr. Abhay Nair, Adv. Mr. Sarthak Srivastava, Adv. Mr. Mayur Goyal, Adv.

ORDER

1. Heard.

2. Leave granted.

3. The Order dated 14.11.2025 passed in CRM-M-56737 of 2025 by the High Court of Punjab and Haryana adjourning the proceedings is under challenge. These proceedings relates to the dishonour of a cheque resulting in conviction of the appellant – accused which is now pending in appeal CRA No.956/2017 wherein the prayer for suspension of sentence initially granted and released on bail which order though extended from time to time came to be rejected. Hence, aforesaid revision petition has been filed and it has been adjourned from time to time. Hence this appeal. While issuing notice to the respondents on 27.11.2025, this Court had passed the following order: -

“2. The order of the appellate court cancelling the bail and taking into custody petitioner-accused after issuance of a Non-Bailable Warrant (NBW), which has been assailed before the High Court with a prayer of interim relief having not been considered by the High Court, petitioner has filed the present petition.

3. The genesis of this case relates to proceedings initiated by the second-respondent under Section 138 of the Negotiable Instrument Act, 1881 (NI Act) for the alleged return of the two cheques issued by the mother of the petitioner herein for a sum of Rs.7,00,000/- (Rupees Seven

Lakhs) and Rs.5,00,240/- (Rupees Five Lakhs Two Hundred Forty), which cheques came to be dishonored which culminated in conviction and sentence. Being aggrieved by the same, an appeal has been preferred and the same is pending.

4. Though, this Court does not appreciate the conduct of the petitioner, inasmuch as her counsel having been changed on more than six occasions, this change in counsel seems to have triggered the appellate court to issue NBW against petitioner by cancelling the order of bail which had been granted on 10.10.2017.

5. The records would also disclose that the mother of the petitioner herein, namely, Ms. Mary Parashar, is said to have expired for which the death certificate was also produced. Interestingly, the appellate court seemed to have not accepted the death certificate and has directed the jurisdictional Station House Officer (SHO) to ascertain the correctness of the said statement and the certificate.

6. Be that as it may, the second appellant before the appellate court, namely, the petitioner herein had filed an application for exemption due to her health condition, namely, she was suffering from Herpes Zoster and the exemption application filed on 22.08.2025 came to be allowed and the matter stood adjourned to 04.09.2025 and by the time the first appellant/petitioner herein could reach, the matter had been called, the order of suspension and grant of bail was recalled and NBW issued. Later, on 20.09.2025, petitioner surrendered and sought for grant of bail. Without passing any order on said prayer, taking the petitioner into custody, the matter was adjourned to 23.09.2025 by the appellate court and on the said date, the application for bail came to be rejected.

7. Challenging the same, the petitioner had approached the jurisdictional High Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)/482 of Code of Criminal Procedure, 1973 (CrPC) in CRM-M-56737 of 2025. The said matter is said to be pending before the High Court and has stood adjourned from time to time due to paucity of time. On account of pendency of the appeal before Session Judge, petition/proceedings before High Court has also stood adjourned. Hence, petitioner is before this Court.

8. It is appalling and shocking to note that appellate court having insisted for appearance of the appellant on every date of hearing particularly in the backdrop of the suspension of sentence already passed. Prima facie the course open for the appellate court was to either appoint an *amicus curiae* and hear the appeal on merits and pass appropriate orders thereon or grant an opportunity to the concerned appellant-accused to make alternate arrangement if counsel was not assisting the Court.

9. No doubt, the present appellate proceedings have been pending for more than eight years, which is not justifiable on any ground whatsoever. However, that by itself would not be a ground by which course adopted by the appellate court, could have been resorted to."

4. We have been informed pursuant to our order aforestated the appellant has been released.

5. In view of notice having been issued to the State, Shri Lokesh Singhal, learned Senior Counsel has appeared and with his usual fairness submitted that in the state of Haryana, the practice of the accused being called upon to be present before Appellate Court on all the dates of hearing is prevalent, even after an order of suspension of sentence has been passed and bail has been granted in a criminal appeal. He would hasten to add that such scenario is prevalent in the light of Form No.45 (Bond and Bail-Bond for attendance before Officer in Charge of Police Station or Court) found in Schedule II of the Code of Criminal Procedure, 1973. He would contend that on account of the appellant accused executing such bond and agreeing and undertaking thereunder to attend the Court after being granted bail is the sole reason on which appellants or revision

petitioners are being directed by the Appellate Court or the Revisional Court to appear on all dates of hearing.

6. The Appellate Court or Revisional Court after being satisfied of the necessity to suspend the sentence would have exercised its power and granted the prayer for suspension of sentence and ordered for release of such appellant – accused on bail. The appeal before the Appellate Court many a times would be pending for months or years together and many a times after being posted before the Court for hearing it would be adjourned for myriad reasons namely either at the instance of the appellant - accused or the State or the complainant etc. However, in such circumstances, to call upon the accused to be present on every date of hearing before the Revisional Court or the Appellate Court would be burdensome to such accused and same is not warranted at all and it would serve no purpose. In the event of appeal or revision being dismissed the consequences would automatically follow and the jurisdictional magistrate would be fully empowered to secure the presence of such accused in accordance with the provisions of the Act.

7. Hence, we are of the considered view that, directing the appellant – accused to be present before the Appellate Court or the Revisional Court would not be warranted particularly after an order for suspension of sentence has been passed and bail has been granted. With these observations, the Appeal stands disposed of accordingly. Let the copy of this order be placed before the Hon'ble Chief Justice, Punjab and Haryana High Court for being circulated to the District Judiciary through issuance of appropriate circular or as deemed fit by the Chief Justice.

8. It is also made clear that bail granted to the appellant by this Court by Order dated 27.11.2025 would be in operation till disposal of the appeal CRA No.956/ 2017 and appellant shall cooperate with the Appellate Court in disposal of the appeal expeditiously and preferably within three (3) months.

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