



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31488-2026
Date of decision: 29.05.2026

NANAK SINGH @ BABBU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Kashav Chadha, Advocate for the petitioner.

.....
RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 09.01.2026 (Annexure P-8) passed by learned Judicial Magistrate Ist Class, SBS Nagar in case bearing FIR No.71 dated 30.07.2023 registered under Sections 61-1-14, 78(2) of Excise Act and under Section 181, 196, 12, 192-A Motor Vehicle Act, registered at P.S. Sadar Banga, District SBS Nagar, Punjab, whereby, the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants.

2. Learned counsel for the petitioner submits that the petitioner was on bail and had been regularly appearing before the learned trial Court. However, on 14.11.2025, due to ill health, the petitioner could not appear before the learned trial Court and duly informed his counsel to move an appropriate application seeking exemption from personal appearance. However, the counsel failed to move the said application and, subsequently, vide order dated 09.01.2026 (Annexure P-8), the learned trial Court cancelled



the bail granted to the petitioner and issued non-bailable warrants 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 set aside 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. Notice of motion.

6. Mr. Jasjit Singh Rattu, DAG, Punjab, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

7. 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.

8. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In cases where it is found that absence of accused was intentional to evade the process of law, the accused can be penalised by imposing some cost.

9. In the present case, the petitioner did not appear on 14.11.2025 before the learned Trial Court and ultimately on 09.01.2026 itself his bail was cancelled, bail bonds were forfeited to State followed by issuance of non-



bailable warrants. By filing the present petition the petitioner has shown his 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 petitioner in the present case has himself 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 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 09.01.2026 is set aside to the extent of cancellation of bail and issuance of non-bailable warrants only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court within two weeks from today.

12. 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.

13. 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.

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

(RUPINDERJIT CHAHAL)
JUDGE

29.05.2026
Mohit Bishnoi