



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

**CRM-M-44567-2025
Date of decision: 19.08.2025**

LAKHWINDER SINGH @ LAKHA AND ANR.Petitioners

Versus

STATE OF PUNJABRespondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yajur Sharma, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 05.07.2025 (Annexure P-4) passed by learned Judge, Special Court, Hoshiarpur in case bearing FIR No.188 dated 18.11.2022 registered under Sections 15 and 29 of the NDPS Act P.S. Dasuya, District Hoshiarpur, whereby, the bail of the petitioners has been cancelled and their bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants.

2. Learned counsel for the petitioners submit that the petitioners were on bail and were regularly appearing before learned trial Court. However, on 05.07.2025, the petitioners could not appear before the trial Court. Subsequently vide order dated 05.07.2025, learned trial Court cancelled the bail of the petitioners and their non-bailable warrants were issued.



3. 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 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 petitioners.

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

5. Notice of motion.

6. Mr. Ravinder Singh, 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 petitioners, however, it is not disputed by him that petitioners were 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. The reasons assigned by the petitioners for non-appearance seem to be genuine and it cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

9. The sole purpose of issuance of 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.

10. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 05.07.2025 (Annexure P-4), whereby, the bail of the petitioners has been cancelled and their bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants, is hereby set aside.

11. Petitioners are directed to appear before the trial Court within a period of four weeks and on his doing so, they shall be admitted to bail on furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

12. It is made clear that in case, petitioners fail to appear before the trial Court within a stipulated period, the interim protection granted by this Court shall be deemed to be vacated.

19.08.2025
puneet

(RUPINDERJIT CHAHAL)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |