



122 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46081-2025
Date of decision: 22.08.2025

AMRITPAL SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Randhir Singh Virk, Advocate
 for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 12.05.2025 (Annexure P-3) passed by Additional Sessions Judge, Fast Track Special Court, Sirsa whereby bail of the petitioner has been cancelled and bail bonds have been forfeited and arrest warrant has been issued in case arising out of FIR No.109 dated 19.02.2020 under Section 15-61-85 of NDPS Act registered at Police Station Sirsa, District Sirsa on account of his absence on a single date.

2. Learned counsel for the petitioner contends that petitioner was granted bail and was regularly facing the trial but he could not appear in the Court on 12.05.2025 and his bail was cancelled. Infact, he could not appear on the date fixed as he was ill and could not inform his



counsel in time. His absence was not intentional and he never intended to abscond or delay the trial. Learned counsel further contended that object of bail is not punitive but to ensure the presence of accused during the trial and his past conduct also establishes that he had no intention to break the process of law and he undertakes to abide by all the terms and conditions that may be imposed by the Court. It has been prayed that impugned order be set aside.

3. Notice of motion.

4. Mr. Ramesh Kumar Ambavta, DAG, Haryana, accepts notice on behalf of the State and has opposed the prayer and argued that petitioner absented and has hampered the trial and the impugned order is not liable to be quashed.

5. I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the material on the file.

6. A Co-ordinate Bench of this Court, in the judgment reported as Law Finder Doc.id# 2765158, 2025:NCPHHC:106708 “**Sahib Singh @ Saab Singh Vs. State of Punjab**” has held that issuance of non-bailable warrants should not be exercised in a mechanical manner and must be adopted sparingly, only upon recording cogent reasons reflecting the necessity of such a stringent course. It has been further held that cancellation of bail amounts to unjustifiable restriction on procedural rights of petitioner in the absence of any misconduct or deliberate attempt to evade proceedings and petitioner-accused was directed to appear before the trial Court and to furnish an undertaking to appear on each and



every date of hearing and was ordered to be released on bail. It was further held that object of bail is to secure appearance of accused at trial and deprivation of liberty must only be necessitated by extraordinary circumstances and courts should avoid punitive approach and adhere to procedural safeguards enshrined under the law. In holding so, reliance was placed upon **1978(1) SCC 118 “Gurcharan Singh Vs. State (UT of Delhi)”** and **(2012) 1 SCC 40 “Sanjay Chander Vs. CBI”**. In the present case also, the bail was cancelled vide order dated 12.05.2025. On that date, the case was already fixed for issuance of arrest warrants against co-accused Gursewak Singh which was received back unserved. As such, no substantial proceedings were going to be conducted as prosecution case was not fixed for recording of evidence from which it could be inferred that accused has willfully absented to hamper the trial. Rather instead of cancelling the bail on account of his non-appearance, the Court could have issued notice or bailable warrants to secure his presence instead of passing the punitive order of cancellation of bail. Moreover, bail could have been cancelled and arrest warrants could have been issued only after recording a satisfaction that accused has wilfully absented with cogent reasons reflecting the necessity of such a stringent course. As such, the absence of petitioner on the date fixed cannot be termed as willful or intentional so as to hamper the trial and thus, impugned order is liable to be set aside.

7. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 12.05.2025 (Annexure P-3) is set



aside and it is ordered that petitioner shall be released on bail to the satisfaction of the trial Court on his appearance before the trial Court within 15 days from today. In case, he fails to appear within 15 days the benefit of bail granted by way of this order shall come to an end.

(YASHVIR SINGH RATHOR)
JUDGE

22.08.2025
Priyanka Thakur

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