



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

CRM-M-49848-2025

Date of decision: 08.09.2025

**MALKITPAL SINGH ALIAS MALKIT SINGH ALIAS LOVELY
....Petitioner**

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Balbir Singh Jaswal, 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 20.12.2024 (Annexure P-8) passed by learned Judicial Magistrate Ist Class, Amritsar in case bearing FIR No.201 dated 27.12.2007 registered under Section 21 of the NDPS Act P.S. Kathu Nangal, District Amritsar, 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 was regularly appearing before learned trial Court. However, on 20.12.2024, the petitioner could not appear before the trial Court as the counsel of the petitioner inadvertently failed to file the application for exemption from the personal appearance of the petitioner. Subsequently vide order dated 20.12.2024, learned trial Court cancelled the bail of the petitioner and his non-bailable warrants were issued.

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. 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 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 20.12.2024 before the learned Trial Court and ultimately on 20.12.2024 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 20.12.2024 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 on or before 25.09.2025 subject to payment of Rs.20,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC:SBIN0014656, State Bank of India, Sector 68, SAS Nagar, Mohali.

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

08.09.2025

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