



127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59030-2025 (O&M)
Date of decision: 04.11.2025

SARAVJEET SINGH ALIAS SARVJEET

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. L.S.Sekhon, Advocate and
Ms. Shefali, Advocate for the applicant/petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

CRM-43545-2025

The applicant through instant application under Section 528 of BNSS, 2023 are seeking permission to place on record Annexure A-1 and further exempting the petitioner from filing the certified copy of the same.

Allowed as prayed for.

Annexure A-1 is taken on record, subject to all just exceptions.

CRM-M-59030-2025

1. The present petition has been filed under Section 482 of Cr.P.C. (528 of BNSS, 2023) for quashing of order dated 01.10.2025 (Annexure P-5) passed by Court of Ld. Additional Sessions Judge, Fatehabad whereby bail of the petitioner has been cancelled and bail bonds and surety bonds have been forfeited and non bailable warrants



have been issued in case arising out of FIR No.51 dated 13.03.2020 registered under Section 21-B and 29 of NDPS Act (Charges were also framed under Section 27-A of NDPS Act) at Police Station Sadar Ratia, District Fatehabad, on account of his absence.

2. Upon issuance of notice of motion, Mr. Ramesh Kumar Ambavta, DAG, Haryana has accepted notice on behalf of the respondent-State.

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

4. Learned counsel for the petitioner contends that previously the trial was fixed for hearing on 07.10.2024, on which date, the case was adjourned for 31.03.2025 for the prosecution evidence. However, holiday was declared on 31.03.2025 and file was taken up on 29.03.2025 and case was adjourned to 01.10.2025 for the purpose already fixed. Following order was passed:-

“File taken up today, as 31.03.2025 has been declared holiday on account of Id-ul-fitre festival. Therefore, case is adjourned 01.10.2025 for the purposed already fixed. Parties be informed regarding next date of hearing by pasting cause list mentioned next date out side the court and uploading this order on CIS.

If any party/accused is in custody, then production warrant of said party/accused be issued to concerned jail authority for the date fixed.”

Learned counsel next contended that since the file was taken up on 29.03.2025, next date of hearing was not communicated to him despite the fact that it was observed in the order that parties be informed regarding next date of hearing. Learned counsel contended that since next date of hearing was not communicated to the petitioner, he could not



appear on 01.10.2025 and he had infact been conveyed wrong date by his counsel as 01.11.2025. Learned counsel contended that his absence was not intentional and same was beyond his control. He is ready to join the proceedings and to participate in the trial and he may be ordered to be released on bail in the event of his appearance before the trial Court.

5. On the other hand, learned State counsel has opposed the prayer and argued that petitioner absented himself and has hampered the trial and the impugned order is not liable to be quashed.

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**”.



7. The aforesaid record shows that file was taken up on 29.03.2025 and case was adjourned to 01.10.2025 and the plea of the petitioner that he noted down the wrong date of hearing as 01.11.2025 may be probable. He has been regularly appearing before the trial Court prior to the date he absented. Even otherwise, since file was taken up on the previous date and accused had not appeared on the adjourned date, the Court ought to have adjourned the case or could have issued notice to him instead of cancelling the bail on account of his non-appearance and the punitive order of cancellation of bail could thus have been avoided. Moreover, the bail could have been cancelled only after recording a satisfaction that petitioner has wilfully absented with cogent reasons reflecting the necessity of such a stringent course but no such satisfaction has been recorded. On this account, the impugned order is liable to be quashed.

7. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 01.10.2025 (Annexure P-5) is quashed 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.

04.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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