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

CRM-M-63804-2025

Date of Decision: 28.11.2025

JASHANPREET SINGH

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Surinder Thakur, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 29.10.2025 (Annexure P-3) passed by Court of Ld. Additional Sessions Judge, Hoshiarpur whereby bail of the petitioner has been cancelled and bail bonds have been forfeited and non bailable warrants have been issued in case arising out of FIR No.58 dated 27.04.2018 under Sections 307 and 379-B of IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, on account of his absence.

2. Notice of motion. Mr. Jatinder Pal Singh, Sr. DAG, Punjab accepts 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 petitioner was released on bail in the present case and petitioner was regularly



appearing before the Trial Court. On 19.09.2025, the case was fixed for hearing, however, the petitioner could not appear before the Trial Court because petitioner was admitted in Drug Counselling and Rehabilitation Centre at VPO Majara Tehsil and District Una (Himachal Pradesh). On the same day, application for exemption from personal hearing was moved and the learned Trial Court granted the said exemption for the same day only and adjourned the case to 29.10.2025 for further proceeding. On 29.10.2025, the case was fixed for hearing and the petitioner again absented. On the same day, the learned Trial Court cancelled his bail and nonailable warrants were issued. Learned counsel contended that the petitioner had noted down the wrong date of hearing as 30.10.2025 and was only informed by his counsel to appear at 11.00 am on 29.10.2025 and the petitioner was unable to appear on short notice. Therefore, it cannot be inferred that the petitioner had tried to hamper the progress of the trial on that date. Rather, neither his absence was intentional nor did he ever 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 disobey 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.

5. On the other hand, learned State counsel has opposed the prayer and argued that petitioner absented 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. In the present case also, the bail was cancelled vide order dated 29.10.2025 (Annexure P-3). On that date, the case was fixed for hearing. However, no PWs were present on that day and it could not be inferred that the petitioner had wilfully absented to hamper the trial. Rather, instead of cancelling the bail on account of his non-appearance, the Court ought to have exempted his personal appearance with a direction to appear on the next date and the punitive order of cancellation of bail could thus have been avoided. Merely, because petitioner was absent on two dates, it cannot be inferred that he had wilfully absented



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himself or was hampering the trial. The bail could have been cancelled only after recording a satisfaction that petitioner had wilfully absented with cogent reasons reflecting the necessity of such a stringent course. On this account, the impugned order is liable to be set aside.

8. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 29.10.2025 (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

28.11.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No