



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

146

CRM-M-68028-2025

Date of decision: 18.12.2025

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : None.

AARADHNA SAWHNEY, J.(ORAL)

1. Upon a call given by Punjab and Haryana High Court Bar Association, the Members of the Bar are abstaining from work.

2. Petitioner, an accused in case FIR No.256 dated 27.10.2022 registered under Sections 15(b)/61/85 of NDPS Act, has assailed the order dated 01.11.2025 passed by learned Additional Sessions Judge, Sri Muktsar Sahib vide which his bail bonds was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state.

3. It has been stated in the petition that petitioner has been falsely implicated in the aforesaid FIR. He was extended the concession of bail by the Court of the then learned Sessions Judge, Sri Muktsar Sahib vide order dated 29.11.2022. Petitioner claims that since then he had been regularly appearing before the Court. However on 01.11.2025, on account of some unavoidable reasons, he could not appear before the learned trial Court. It is further the stand of the petitioner that local counsel could also not be intimated. Hence, on account of his absence, the impugned order dated 01.11.2025 was passed. Further, petitioner undertakes to surrender before the Court concerned and move an application for grant of bail. With this backdrop, it has been prayed that the order dated 01.11.2025 be set aside.



4. Contents of the petition perused.

5. This Court in CRM-M-36490-2022, titled as ***Major Singh vs. State of Punjab, decided on 15.09.2022***, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In ***CRM-M-38277-2022, Surjit Singh vs. State of Punjab, dated 26.08.2022*** and ***CRM-M-39000-2022, titled as Raghav vs. State of Punjab, decided on 09.09.2022***, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

6. Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served a summons or if they are likely to abscond. Courts issue NBWs as a last resort, after first attempting to secure attendance through summons and bailable warrants.

7. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 01.11.2025, Annexure P-4, is set aside. Petition is disposed of with a direction to the petitioner to appear before the court concerned on the next date of hearing. In case, he surrenders before the court concerned on the next date of hearing, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the



Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

8. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AARADHNA SAWHNEY)
JUDGE

18.12.2025
Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No