



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

106

CRM-M-68802-2025 (O&M)

Date of Decision: 15.12.2025

HARDEV SINGH

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.54 dated 11.03.2020 under Section 420, 120-B of IPC, 1860, registered at Police Station City Moga, District Moga, Punjab.

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 contended that arrest warrants have been issued against petitioner and bail has been cancelled in a mechanical manner. Infact, after the challan was presented, notice was ordered to be issued to the petitioner on various dates but notice was never served upon the petitioner. On 29.03.2025, as well, notice issued to the petitioner was not received back either served or unserved but the Trial Court cancelled his bail by observing that petitioner is intentionally



avoiding service of summons. Learned counsel next contended that since no notice was ever served upon the petitioner, he had no knowledge about the date of hearing and his bail has been cancelled in a mechanical manner despite the fact that no notice was ever served upon him and he 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. Perusal of various orders placed on file shows that vide orders dated 23.12.2024, 24.01.2025 and 25.02.2025, notice was ordered to be issued to the accused-petitioner which were received back unserved. On 29.03.2025 as well, the notice issued to the accused was not received back either executed or unexecuted and the following order thus was passed:-

“Notice issued against accused not received back either executed or unexecuted. This court has sufficient grounds to believe that the said accused is intentionally avoiding the service of warrants/summons and concealing his presence to evade the process of court. Further coercive methods are required to be adopted against him. As such, bail order of accused stands canceled. Let, arrest warrants of accused be issued for 06.05.2025.”

*Chief Judicial Magistrate,
Moga. (U.I.D. No.PB0315)*

8. The aforesaid order shows that notice was not received back either served or unserved and the Trial Court cancelled the bail and issued arrest warrants against the petitioner. However, after the Trial Court had ordered issuance of notice to the petitioner, no notice was ever served upon him and illegality thus has been committed by straightaway cancelling the bail particularly because the notice was never served upon him for no fault of the petitioner. The Trial Magistrate thus has not followed the proper procedure and has cancelled the bail of petitioner in a mechanical manner and such a recourse could have been adopted sparingly and that too after recording cogent reasons reflecting the necessity of such a stringent course.

9. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 29.03.2025 (Annexure P-7) 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

15.12.2025
Vishal Vardhan

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