



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

CRM-M-71454-2025

Date of decision: 19.12.2025

SUKHWINDER KAUR

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Malkit Kaur, 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 09.12.2025 (Annexure P-10) passed by learned Judicial Magistrate Ist Class, Guhla, District Kaithal in complaint case bearing CIS No.NACT/116/2021 dated 07.07.2021 titled 'Mandeep Kaur vs. Sukhwinder Kaur filed under Section 138/142 of the Negotiable Instruments Act, 1881, whereby, the bail of the petitioner has been cancelled and her bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants of arrest.

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. However, on 09.12.2025 the petitioner could not appear before the learned Trial Court within time due to heavy traffic congestion. Subsequently, vide order dated 09.12.2025, learned trial Court cancelled the bail of the



petitioner, her bail bonds were forfeited and her 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, she 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. Gagandeep Singh Chinna, Sr. DAG Haryana, 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 the present case, the petitioner did not appear on 09.12.2025 before the learned Trial Court and ultimately on 09.12.2025 itself, her 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 her intention to submit before

the learned Trial Court.



9. The sole purpose of issuance ofailable/non-ailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has herself come forward and has undertaken to appear before the trial Court on each and every date.

10. 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 09.12.2025 (Annexure P-10) is set aside to the extent of cancellation of bail and issuance of non-ailable warrants only, and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 15.01.2026.

11. 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 she will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of her conduct.

12. 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.

13. With aforementioned terms, present petition stands disposed of.

(RUPINDERJIT CHAHAL)
JUDGE

19.12.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |