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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-72335-2025
Date of Decision : 22.12.2025

Sukhbir Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. Vinay Malhotra, DAG Punjab

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 15.12.2025 (Annexure P-6), whereby bail order of the petitioner was cancelled and bail bonds and surety bonds were also stood cancelled and forfeited to State, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
103	26.07.2023	21, 22 and 29 of NDPS Act	Kot Ise Khan	Moga

2. Learned counsel for the petitioner submits that the petitioner is facing proceedings in the above-said FIR and he was granted the concession of regular bail by this Court vide order dated 16.07.2025 passed CRM-M-12950-2025 (Annexure P-3). After the time of granting of the concession of regular bail, the petitioner diligently appearing before the learned trial Court and was following all the terms and conditions of bail order. However, on 01.11.2025, the petitioner



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could not appear before the learned trial Court due to noting down wrong date as 01.12.2025 instead of 01.11.2025 and, therefore, the concession of bail was cancelled vide order dated 01.11.2025 and non-bailable warrants of arrest were issued on 26.11.2025. Hence, the petitioner has challenged the said order. However, he submits that in case one more opportunity is granted, he undertakes to never be absent before the Court till final adjudication of the case before it.

Thus learned counsel submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, she knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to



his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *viz-a-viz* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay.

It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case ***Veena @ Veena Devi v. State of Punjab*** (CRM-M-2206-2025, decided on 16.01.2025.

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date i.e. on 01.11.2025, when impugned order has been

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passed against him. It also cannot be left unnoticed that as and when the petitioner came to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner.

Accordingly, plea of the petitioner is accepted. Impugned order dated 15.12.2025 (Annexure P-6) is set aside to the extent of issuance of non-bailable warrants of the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 14.01.2026.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

8. **With aforementioned terms, present petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

December 22, 2025

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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO