



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

167

CRM-M-2655-2026

Date of Decision : 12.03.2026

SHIVAM CHANANA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Parminder Singh, Advocate
for the petitioner.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.118 dated 24.06.2019 registered against him, at Police Station Barara, District Ambala, for commission of offences punishable under Sections 21, 29 of NDPS Act, has filed the present petition under Section 528 of BNSS, seeking quashing of the order dated 26.09.2025 (Annexure P-2) passed by the learned Additional Sessions Judge/Fast Track Special Court-NDPS Act, Ambala, vide which on account of his non-appearance, his bail was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants.

2. Learned counsel for the petitioner has placed on record the interim orders passed by the concerned Court and submits that after the concession of bail was granted to petitioner, he had been regularly appearing before the Court concerned. However on 29.11.2024 and 14.01.2025, due to some personal difficulty, he could not appear, thus moved applications seeking exemption from



personal appearance, which were dealt with sympathetically by the learned trial Court and were allowed. On 26.09.2025, on account of some misunderstanding operating in his mind with regard to the next date of hearing and some communication gap between him (P) and his counsel, he could not appear before the Court, thus, impugned order was passed. Consequently, presence of the petitioner was again sought to be secured through non-bailable warrants for 20.12.2025.

3. Learned counsel for the petitioner submits that lenient view be taken in favour of the petitioner by readmitting him to the relief of bail as his absence was not intentional but was on account of the reasons mentioned hereinabove. Accordingly, prayer is made to setting aside impugned order dated 26.09.2025 (Annexure P-2) passed by the learned trial Court. Learned counsel further contends that petitioner undertakes to surrender before the Court concerned immediately within a period of 10 days from today and to attend the Court proceedings regularly on each and every date of hearing.

3. Heard. Documents on record perused.

4. 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.



5. 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.

6. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 26.09.2025 (Annexure P-2), is set aside. Petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 10 days from today. On his appearance before the Court concerned, he shall be readmitted to bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of learned trial Judge. Petitioner 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.

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

(AARADHNA SAWHNEY)
JUDGE

12.03.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No