

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-12770 of 2026****Date of Decision: 11.03.2026**

PSA Nitrogen Limited

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner(s).Mr. I.P.S.Sabhardwal, Deputy Advocate General,
Punjab.**Surya Partap Singh, J.**

1. Vide present petition, the extraordinary jurisdiction vested in this Court, by virtue of Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', has been invoked. The challenge in the present petition is to the order dated 16.02.2026, hereinafter being referred to as "impugned order", whereby the order of suspension of sentence and bail & surety bonds of the petitioner were cancelled and show cause notice under Section 446 of 'the Code of Criminal Procedure, 1973' has been issued to the surety of petitioner.

2. Briefly stating, the facts emerging from the record are that the petitioner faced a trial for the commission of offence punishable under Section 138 of 'the Negotiable Instruments Act 1881'. The same culminated into conviction of petitioner by virtue of judgment dated 07.02.2024. The

above-mentioned judgment of conviction and order of sentence have been challenged by the petitioner and the appeal is pending in the Court of learned Sessions Judge, Sri Muktsar Sahib, hereinafter being referred to as 'the learned Appellate Court'. In the above mentioned appeal the sentence of the petitioner has been suspended, and thus, he is on bail.

3. **Notice of motion.**

4. Since advance notice has already been served upon the State, Mr.I.P.S.Sabharwal, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State. Hence, service of notice upon the State is hereby dispensed with.

5. Heard.

6. The record has been perused carefully.

7. A perusal of the record shows that on 16.02.2026 the petitioner failed to appear before the learned Appellate Court, and therefore, the learned Appellate Court issued a direction to procure the presence of petitioner in the Court, by issuing his warrant of arrest.

8. The above discussed fact-situation is squarely covered by the principle of law propounded by the Hon'ble Supreme Court of India in the case of 'Meenakshi Vs. State of Haryana and another' 2026 SCC Online SC 94, wherein it has been observed that the requirement of personal appearance of accused on every date of hearing, once sentence is suspended and bail is granted, is unwarranted and serves no purpose. According to Hon'ble Apex Court, if the appellant does not appear, the proper course is to proceed with the appeal on merits with effective legal representation and the presence of accused may be secured only in accordance with law in the

event of dismissal of appeal.

9. In view of above-mentioned principle of law the impugned order needs interference and indulgence of extraordinary jurisdiction of this Court. Thus, by accepting the present petition, the impugned order is hereby set aside. The learned Appellate Court is directed to withdraw the warrant of arrest issued against the petitioner (appellant before the learned Appellate Court) & restore his former bail bonds, forthwith. Therefore, the learned Appellate Court shall proceed in appeal in accordance with the principles propounded in the judgment of Hon’ble Supreme Court of India, referred to above.

(Surya Partap Singh)
Judge

March 11, 2026
“DK”

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