



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

176

CRM-M-16409-2026

Date of decision : 25.03.2026

HIMANSHU SHARMA @ HONEY

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Roja Agnihotri, Advocate
for the petitioner.

SURYA PARTAP SINGH. J.(Oral)

1. This is a petition filed under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita 2023', seeking for quashing of order dated 18.02.2026 (Annexure P-4) passed by the Special Court, Kapurthala, hereinafter referred to as 'trial Court' only. By virtue of abovementioned order, the bail of petitioner was cancelled. As a result thereof, the bail bonds of the petitioner have been forfeited and to procure his presence in the Court, his warrants of arrest were issued.

2. **Notice of motion.**

3. 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/State. Hence, service of notice upon the State is

hereby dispensed with. However, no formal reply has been filed by the State and the learned State counsel has opted to orally oppose the present petition.

4. It has been contended by learned counsel for the petitioner that the petitioner was regularly appearing before the learned trial Court, but, on 18.02.2026 he could not appear before the learned trial Court due to unwell. As per learned counsel for the petitioner, in the abovementioned circumstances, the impugned order was passed, which deserves to be quashed.

5. In view of above, once, admittedly the petitioner was not present before the learned trial Court in compliance with the conditions imposed in the bail order, it is hereby held that the learned trial Court was left with no option but to cancel the bail order, forfeit the bail bonds and issue warrant of arrest against the petitioner. Since apparently, there is no illegality in the abovementioned order, there is no scope for interference in the impugned order.

6. At this stage, learned counsel for the petitioner has sought liberty for the petitioner to surrender before the learned trial Court and move an application for bail. The learned counsel for the petitioner has prayed for a direction to the learned trial Court to dispose of the bail application, to be moved by the petitioner, in a time-bound manner.

7. In view of above, the present petition is hereby ***disposed of*** with a direction to the petitioner to surrender before the learned trial Court. If he surrenders before the learned trial Court and moves an application for bail, the learned trial Court is directed to dispose of the bail application

within three days. It is, however, clarified that the learned trial Court in the exercise of its discretion shall be at liberty to take the petitioner into custody and/or impose penalty under Section 491 of BNSS (erstwhile Section 446 of CrPC).

(SURYA PARTAP SINGH)
JUDGE

25.03.2026
vipin

Whether speaking/reasoned : Yes
Whether Reportable : No