

2026:PHHC:050135



156 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17161-2026
Date of Decision:01.04.2026

Joginder Singh alias Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sukhwinder Singh Dhillon, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Challenge in the present petition is to the order dated 27.11.2025 (Annexure P-2) passed by the Ld. Additional Sessions Judge, Sri Muktsar Sahib in FIR No.182 dated 22.11.2018 u/s 18/61/85 of the NDPS Act, 1985, P.S. Sadar Sri Muktsar Sahib vide which on account of absence of petitioner from the Court, his bail was cancelled and bail/surety bonds were also cancelled and forfeited to the State and his(P) presence was sought to be procured through NBWs.

2. Learned counsel for the petitioner contends that absence of the petitioner on the date fixed, from the court concerned was not intentional but was on account of having noted down the wrong date; there being no wilful intention to disobey the orders of the Court. It is further the submission of learned counsel that a lenient view be taken in favour of the petitioner who is ready to immediately surrender and also undertakes to regularly appear before

the Court concerned. With this backdrop, it has been prayed that the order dated 27.11.2025 (Annexure P-2) be set aside.

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.

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 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.

5. In the interest of justice, considering the facts and circumstances of the case and judgments referred hereinabove, the impugned order dated 27.11.2025 (Annexure P-2) passed by the Ld. Additional Sessions Judge, Sri Muktsar Sahib, is set aside. Petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 15 days from today. In case, he surrenders before the court concerned within a period mentioned above, he shall be readmitted to bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of learned trial Judge/Chief Judicial Magistrate/Duty Magistrate concerned. 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.

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

01.04.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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