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

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Decided on : 22.04.2026**

Kuldeep Singh**.....Petitioner**

Versus

State of Punjab**.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Rajveer Singh Brar, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner, namely, Kuldeep Singh, aged 43 years has filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 11.12.2025 (P-5), passed by the learned Judge Special Court, Ferozepur, whereby bail of the petitioner has been cancelled and the bail bonds have been forfeited to the State, and non-bailable warrants have been issued against him

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR by the police officials in order to enable the complainant to achieve his ulterior motive of pressurizing the petitioner by levelling false allegations. It is contended that the petitioner has been arrayed as an accused in FIR No. 24 dated

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16.03.2025 under Section 21 of the NDPS Act, registered at Police Station Zira, District Ferozepur.

Counsel further submits that, as per the prosecution case itself, only 6 grams of heroin was allegedly recovered from the petitioner and 7 grams from co-accused Yadwinder Singh, which falls within the category of non-commercial quantity. It is pointed out that the petitioner had earlier been granted regular bail vide order dated 15.04.2025 passed by the learned Special Court, Ferozepur, and thereafter the challan was presented on 15.09.2025, with notice issued for 17.10.2025.

It is argued that the petitioner could not appear before the trial Court on the dates fixed i.e. 17.10.2025 and 11.12.2025, as he had no knowledge of the said dates and had not received any notice from the Court, and thus his absence was wholly unintentional. However, the learned trial Court, without following the due procedure established under law, proceeded to cancel the bail of the petitioner, forfeit the bail and surety bonds, and issued non-bailable warrants against him.

It is further submitted that the petitioner undertakes to appear before the learned trial Court and to abide by all conditions that may be imposed by this Court. Petitioner is stated not to be a proclaimed offender and, as per instructions, is not involved in any other case except those already disclosed, in which he is on bail or the proceedings have been concluded (as mentioned in paragraph No. 16 of the petitioner).

In these circumstances, petitioners pray for the setting aside of the order dated 11.12.2025(P-5).

3. Notice of motion.

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4. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners do not deserve any sympathy. Learned State counsel further submits that looking at their conduct, there is no surety that in future, petitioners would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is 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 after 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 *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted

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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 sides and examined the relevant material available on record.

7. In the 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 (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner. Petitioner is directed to appear before learned trial Court concerned on 08.05.2026 or within 15 days from today.



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8. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. 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 her conduct.

9. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

22.04.2026
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Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO