



CRM-M-20596-2026

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

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Decided on : 17.04.2026**

Vijay Kumar**.....Petitioner**

Versus

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

Present: Mr. Sukhcharan S. Gill, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner, namely, Vijay Kumar, aged 37 years has filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 21.02.2026 (P-4), passed by the learned Judge Special Court, Sangrur, 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 case FIR No. 247 dated 05.11.2019 on the basis of alleged secret information, pursuant to which co-accused Surinder Singh was apprehended and 9 grams of heroin was recovered from him. It is submitted that petitioner was granted anticipatory bail by the learned Additional Sessions Judge, Sangrur, vide order dated

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02.05.2020, and thereafter he regularly appeared before the learned Trial Court after presentation of the challan on 28.05.2020.

It is further submitted that the petitioner could not appear before the learned Trial Court on 21.02.2026 due to bona fide and unavoidable circumstances, as he, being a truck driver, was out of station, and even his counsel could not appear on account of a strike/protest call given by the Bar Association. Consequently, learned Trial Court proceeded to issue non-bailable warrants and cancel the bail bonds and surety bonds of the petitioner vide impugned order dated 21.02.2026.

Learned counsel submits that the absence of the petitioner was neither intentional nor deliberate, but due to circumstances beyond his control, and that the petitioner has every intention to appear and cooperate with the trial. It is further submitted that even thereafter, fresh non-bailable warrants have been issued and the case is now fixed for 02.05.2026, and the petitioner undertakes to appear before the learned Trial Court on the said date. In these circumstances, petitioners pray for the setting aside of the order dated 21.02.2026(P-4).

3. Notice of motion.

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

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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 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

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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.

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.



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

(SANJAY VASHISTH)

17.04.2026

JUDGE

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