

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

Sr.No.135

**CRM-M-22352-2026
Decided on : 24.04.2026**

Sukhdev Singh alias Bunty and another

..... Petitioners

Versus

State of Punjab

..... Respondent

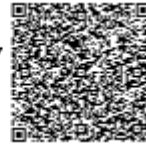
CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ranjodh Singh Sidhu, Advocate
for the petitioners.

RUPINDERJIT CHAHAL, J (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 for setting aside of impugned order dated 25.03.2026 (Annexure P-6), passed by Court of learned Sub Divisional Judicial Magistrate Patti, District Tarn Taran in case bearing FIR No.38 dated 11.03.2023, registered under Sections 420, 467, 468, 471, 120-B IPC, at Police Station City Patti, District Tarn Taran whereby, the bail of the petitioners has been cancelled and their bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants.

2. Learned counsel for the petitioners submits that the petitioners were on bail and were regularly appearing before learned trial Court. However, on 25.03.2026, the petitioners asked their counsel to move application for exemption on their behalf as petitioner No.1 was not well and petitioner No.2 was to take care of petitioner No.1, who is her husband; however, due to inadvertence, the counsel for the petitioners failed to file the said application.



Subsequently vide order dated 25.03.2026, learned trial Court cancelled the bail of the petitioners and their non-bailable warrants were issued.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioners was not deliberate or intentional and thus, aggrieved by the said order, they have approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioners.

4. It is also submitted that the petitioners undertake to appear before the trial Court on each and every date.

5. Notice of motion.

6. Mr. J.S.Rattu, DAG, Punjab, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioners, however, it is not disputed by them that petitioners were already on bail and had been appearing before the trial Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In cases where it is found that absence of accused was intentional to evade the process of law, the accused can be penalised by imposing some cost.

9. In the present case, the petitioners did not appear on 25.03.2026 before the learned trial Court and ultimately on 25.03.2026 itself their bail was cancelled, bail bonds were forfeited to State followed by issuance of non-bailable warrants. By filing the present petition, the petitioners have shown their intention to submit before the learned trial Court.



10. The sole purpose of issuance of bailable/non-bailable warrants is to secure presence of the accused before the trial Court. The petitioners in the present case have himself come forward and have undertaken to appear before the trial Court on each and every date.

11. Considering the totality of circumstances, this Court is of the view that the petitioners can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioners is accepted. Impugned order dated 25.03.2026 is set aside to the extent of cancellation of bail and issuance of non-bailable warrants only, and they are directed to be released on bail, in the eventuality of surrender by them before the trial Court within two weeks from today.

12. The petitioners shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioners will also submit undertakings/affidavits that they will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of their conduct.

13. It is made clear that in case, petitioners fail to appear before the trial Court within a stipulated period, this order shall be deemed to be vacated.

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

24.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No