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

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Decided on : 08.05.2026

Bhinder Singh**.....Petitioner**

Versus

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

Present: Mr. Himanshu Bansal, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner, namely Bhinder Singh, aged 31 years, has filed the present petition under Section 528 of the BNSS, 2023, seeking quashing of the order dated 05.01.2026 (P-1) passed by the learned Additional Chief Judicial Magistrate, Bathinda, whereby the bail of the petitioner was cancelled, his bail bonds were forfeited to the State, and non-bailable warrants were issued against him, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that petitioner-accused, namely Bhinder Singh, is facing trial in case titled "State vs. Bhinder Singh & Ors." arising out of FIR No. 131/2019 registered under Sections 323 and 324 read with Section 34 IPC at Police Station Nathana, and was duly granted the concession of bail during the pendency of the trial proceedings. It is submitted that the petitioner had been regularly participating in the proceedings before the learned Trial Court and had duly appeared on 01.07.2025 and 28.07.2025. However, owing to bona

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vide circumstances, including lack of proper communication regarding subsequent dates of hearing, petitioner could not appear before the learned Trial Court on certain dates, namely 11.09.2025, 03.10.2025, 29.11.2025 and 05.01.2026. Consequently, vide impugned order dated 05.01.2026 (Annexure P-1), the learned Trial Court cancelled the bail of the petitioner, forfeited his bail bonds and issued non-bailable warrants against him.

Learned counsel further submits that the absence of the petitioner was neither wilful nor intentional and there was never any intention on his part to evade the process of law or delay the trial proceedings. It is contended that the petitioner is a permanent resident of District Bathinda, Punjab, and there is no likelihood of his absconding or misusing the concession of bail. Learned counsel submits that the petitioner is ready and willing to appear/surrender before the learned Trial Court and undertakes to participate in the proceedings on each and every date of hearing.

In these circumstances, petitioner prays for setting aside of the order dated 05.01.2026 (P-1), as well as all consequential proceedings arising therefrom.

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.

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Learned State counsel further submits that proceedings for declaring the petitioners as proclaimed offenders are underway; however, as per instructions, the petitioners have not yet been declared as proclaimed offenders/proclaimed persons.

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 at the earliest without unnecessary delay. It is not expected that undue

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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 the circumstances, this Court is of the view that the petitioner deserves to be afforded one opportunity to appear before the learned Trial Court so that the proceedings may resume and continue smoothly. Accordingly, the 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 the learned Trial Court concerned on 25.05.2026 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 his conduct.

9. However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

10. However, it is made clear that in case an FIR under Section 209 of the BNS (corresponding to Section 174-A IPC) has already been registered and the same is pending and not under challenge before this Court in the present proceedings, the instant order shall be deemed to be inoperative.

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

(SANJAY VASHISTH)
JUDGE

08.05.2026
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**