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

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CRM-M-28246-2026 (O&M)
Date of decision : 18.05.2026

Omesh Kumar**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Pardeep Kumar, Advocate
for the petitioner.

MANISHA BATRA, J.(Oral)

1. Prayer in this petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of the order dated 05.12.2025, passed by the Court of learned Appellate Court, Gurdaspur, in appeal bearing No. CRA-101 of 2025 titled as “*Omesh Kumar Vs. Tajinder Singh*”, arising out of complaint under Section 138 of the Negotiable Instruments Act, 1881 bearing No. NACT/432/2021 titled as “*Tajinder Singh Vs. Omesh Kumar*”, vide which the order dated 29.03.2025 granting suspension of sentence in pending appeal was cancelled, bail bonds were forfeited and non-bailable warrants were issued against the petitioner.

2. Brief facts of the case are that the petitioner was convicted by the learned Judicial Magistrate First Class, Gurdaspur, in the aforementioned complaint and was sentenced to undergo rigorous imprisonment for a period of two years along with payment of compensation amounting to Rs.3,00,000/-. Against the judgment of conviction and order of sentence dated 28.02.2025, the

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petitioner preferred an appeal before the learned Appellate Court, Gurdaspur, wherein sentence of the petitioner was suspended vide order dated 29.03.2025 subject to furnishing personal/surety bonds in the sum of Rs.50,000/-. However, the petitioner could not furnish the requisite surety bonds within the stipulated time and, therefore, sought extension of time before the learned Appellate Court, which was granted vide order dated 20.08.2025. However, thereafter, on account of non-appearance of counsel owing to abstention from work by the lawyers and lack of communication with the petitioner, the learned Appellate Court vide impugned order dated 05.12.2025 cancelled the suspension of sentence, forfeited the bail bonds and issued non-bailable warrants against the petitioner.

3. Learned counsel for the petitioner has argued that the non-appearance of the petitioner before the learned Appellate Court was neither intentional nor deliberate and the same occurred due to lack of communication between the petitioner and his counsel, coupled with the fact that the counsel could not appear before the Court on account of strike/abstention from work by the members of the Bar. It is further argued that the petitioner is a poor person, working as a driver/labourer and is the sole breadwinner of his family consisting of his children and old aged parents and, therefore, could not arrange the surety amount within time. Learned counsel further submits that the petitioner has never misused the concession of bail and is ready and willing to surrender before the learned Appellate Court and furnish fresh personal/surety bonds. Hence, it is urged that the petition deserves to be allowed.

4. After hearing learned counsel for the petitioner and perusing the

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material placed on record, this Court is of the considered opinion that the non-appearance of the petitioner before the learned Appellate Court does not appear to be intentional or wilful. The petitioner has expressed readiness to surrender before the learned Appellate Court and to comply with all conditions imposed upon him. Considering the fact that the appeal against conviction is already pending before the learned Appellate Court, no useful purpose would be served by detaining the petitioner into custody. Consequently, without expressing any opinion on the merits of the case, the present petition is disposed of with direction that in case the petitioner appears/surrenders before the learned Appellate Court/trial Court within a period of 15 days from today and furnishes personal/surety bonds to the satisfaction of the Court concerned, the impugned order dated 05.12.2025 cancelling the suspension of sentence and issuing non-bailable warrants against the petitioner shall remain in abeyance and the petitioner shall be released on bail subject to such terms and conditions as may be imposed by the concerned Court.

18.05.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No