



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

CRM-M-30632-2026

Date of decision: 27.05.2026

DARSHAN SINGH @ DARSHAN SINGH CHAHAL

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Manpreet Singh, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 17.04.2026 (Annexure P-5) passed by learned Additional Chief Judicial Magistrate, Faridkot in case DDR No.036 dated 10.10.2023 under Sections 341, 355, 323, 506, 34 IPC registered at P.S. Sadar Faridkot, District Faridkot in case FIR No.0189 dated 09.10.2023 registered under Sections 324, 323, 34 IPC registered at P.S. Sadar Faridkot, District Faridkot whereby, the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State followed by issuance of non-bailable warrants of arrest.

2. Learned counsel for the petitioner submits that the petitioner was released on bail by the learned Trial Court vide order dated 01.12.2023 and the petitioner was regularly appearing before the learned Trial Court on each and every date of hearing. He further submits that the petitioner was not aware about the legal technicalities and under the wrong



impression that since all the offences are bailable in nature and he was already on bail, the petitioner went abroad to take care of his daughter-in-law and minor grandchild. He further submits that the petitioner had duly informed his counsel who moved an application for exemption from personal appearance on 17.04.2026, however, the same was declined by the learned Trial Court. Accordingly, on 17.04.2026 itself the bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State followed by issuance of non-bailable warrants of arrest.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, he has 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 petitioner.

4. It is also submitted that the petitioner undertakes 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 petitioner. Learned State counsel further submits that the petitioner intentionally absented himself and went abroad while he was facing trial. He submits that the petitioner has not placed on record any document to show that he had taken prior permission from the learned Trial Court before going abroad. He submits that the application moved by the petitioner for personal exemption was also declined by the learned Trial Court. He further submits



that the present petition has been moved by the petitioner through his General Power of Attorney Amarjit Singh which further shows the casual approach of the petitioner that he is not willing to face trial in near future. He submits that accordingly, the present petition lacks merit and be dismissed.

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 the present case, the petitioner did not appear on 17.04.2026 before the learned Trial Court and on that day itself his bail was cancelled, bail bonds were forfeited to State followed by issuance of non-bailable warrants. Admittedly, the petitioner was facing trial before the learned Trial Court and was granted concession of bail vide order dated 01.12.2023. However, during the pendency of the trial, the petitioner went abroad without seeking prior permission from the learned Trial Court. The explanation sought to be furnished regarding ignorance of legal technicalities cannot be accepted, particularly when the petitioner was already facing criminal proceedings and was under an obligation to remain present before the Trial Court in terms of the bail conditions. The record further reveals that on 17.04.2026, an application seeking exemption from personal appearance was moved on behalf of the petitioner, which was declined by the learned Trial Court. Consequently, the bail granted to the petitioner was cancelled, bail bonds/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued

against him. Even thereafter, the petitioner has not returned to India and the present petition has been filed through his General Power of Attorney, which further reflects that the petitioner is avoiding appearance before the learned Trial Court.

9. In the aforesaid circumstances, no illegality or perversity can be found in the impugned order passed by the learned Trial Court. The petitioner, having left the country without permission while facing trial, is not entitled to the discretionary relief under the extraordinary jurisdiction of this Court.

10. The present petition accordingly lacks merit and is hereby dismissed.

27.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No