



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

179

**CRM-M No.30430 of 2026
Date of decision : 29.5.2026
Date of uploading : 29.5.2026**

Kalusingh Sisodiya**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioner

SUMEET GOEL, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking setting aside of the impugned order dated 6.4.2026 (Annexure P-3) passed by the learned Judge, Special Court, Moga, whereby regular bail granted to the petitioner was cancelled; his bail bonds and surety bonds were forfeited to the State and non-bailable warrants were ordered to be issued against him in case FIR No.15 dated 5.3.2024, registered under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ajitwal, District Moga.

2. Learned counsel for the petitioner has submitted that the petitioner had been earlier granted the concession of regular bail by learned Judge, Special Court, Moga, vide order dated 4.4.2024 and was regularly appearing before the trial Court. Learned counsel has further



iterated that the petitioner couldn't appear before the learned trial Court on 6.4.2026 because of wrongly noting of date. Accordingly, his bail was cancelled, his bail bonds and surety bonds were cancelled and forfeited to the State and the learned trial Court has ordered for issuance of non-bailable warrants against him. Learned counsel submits that issuance of warrant of arrest against the petitioner was harsh, disproportionate and contrary to the principles governing judicial discretion, particularly when absence of the petitioner was purely inadvertent, which was neither intentional nor deliberate. Learned counsel has further iterated that the petitioner unequivocally undertakes to enter appearance before the trial Court as also join the proceedings in accordance with law, the petitioner shall appear before the trial Court on each and every date of hearing and also cooperate therein, in accordance with law for expeditious culmination of the trial.

3. Notice of motion.

4. On the strength of advance service of copy of petition, Mr. Hemant Aggarwal, DAG, Punjab, appears and accepts notice on behalf of the State. He opposes the petition in hand by arguing that allegations against the petitioner are serious in nature, the petitioner has misused the concession of bail earlier extended to him by not appearing before the trial Court & no plausible explanation has been brought forth as to why the petitioner did not appear before the trial Court on the aforesaid date.

5. I have heard learned counsel for the rival parties and have perused the available record.



6. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing



offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”

6.1. Further, the Hon’ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

6.2. Furthermore, the Hon’ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined



in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

7. Keeping in view the entirety of the facts and circumstances of the case; especially the factum of prime object of cancellation of bail and forfeiture of bail bonds being securing the presence of the accused, the petitioner-accused having come forward himself to face trial, willingness shown by the petitioner-accused to appear before the trial Court on each and every date in accordance with law, the petitioner having submitted that he shall cooperate for an expeditious culmination of the trial & there being no tangible material brought forward to indicate likelihood of the petitioner to interfere with the prosecution evidence; this Court is of the considered opinion that the petition in hand deserves to be allowed.

8. In view of the prevenient ratiocination, it is ordained thus:

- (i) The present petition is allowed;
- (ii) The impugned order dated 6.4.2026 (Annexure P-3) passed by the Judge, Special Court, Moga, as well as all consequential proceedings arising therefrom, are set-aside subject to the petitioner appearing before the trial/concerned Court on or before 1.6.2026, & shall furnish an undertaking that the petitioner shall continue to appear before the trial/concerned Court on each and every date of hearing. It is clarified that the trial/concerned Court shall be at liberty to impose such other condition(s) upon the petitioner, as deemed appropriate by it in the facts and circumstances of the case;



(iii) The petitioner shall deposit costs of ₹20,000/- with the Punjab and Haryana High Court Bar Clerks Association, Chandigarh (Regd. No.2441/1995) Bank Account No.65004775776, State Bank of India, IFC Code SBIN0050306, High Court Branch, Chandigarh.

In absence of deposit of such costs, the present petition would be deemed to be dismissed without any further reference to the Bench.

(SUMEET GOEL)
JUDGE

29.5.2026
Ashwanii

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No