



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

Sr. No.189

CRM-M-32193-2026
Date of Decision: 29.05.2026

GURWINDER SINGH @ SADHU**...Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

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

MANDEEP PANNU, J. (Oral)

1. This petition has been filed under Section 528 of the BNSS (corresponding to Section 482 Cr.P.C.) seeking quashing/setting aside of the impugned order dated 18.04.2026 passed by the learned Judge, Special Court, Bathinda (P-2) in CIS No. NDPS-97-2025, titled *State of Punjab Vs. Vinod Kumar @ Garry & Ors.*, whereby the bail/surety bonds of the petitioner were cancelled and the petitioner was ordered to be summoned through non-bailable warrants in FIR No. 89 dated 21.07.2024, under Section 21(b) and 29 of the NDPS Act, registered at Police Station Sadar, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the learned trial court, however, during the course of trial, he was unable to appear due to bona fide medical reasons, as he was suffering from viral fever. Consequently, his bail bonds were cancelled by order dated 18.04.2026.



3. It is, therefore, contended that the petitioner's non-appearance was neither deliberate nor intentional, and being aggrieved by the impugned order, he has approached this Court by way of the present petition. It is prayed that the impugned order be quashed on the ground that the petitioner's absence was unintentional.

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. On the asking of the Court, Mr. Sahil Chowdhary, AAG, Punjab 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, however, it is not disputed by him that petitioner was 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 the present case, the petitioner did not appear before the learned Trial Court and ultimately on 18.04.2026, his bail bonds/surety bonds stand cancelled and forfeited to State followed by issuance of non-bailable warrants of arrest. By filing the present petition, the petitioner has shown his intention to submit before the learned Trial Court.

9. The sole purpose of issuance of bailable/non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in



the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

10. Considering the totality of circumstances, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned order dated 18.04.2026 is set aside to the extent of cancellation of bail bonds/surety bonds and issuance of non-bailable warrants only. The petitioner shall be released on bail in the event he appears before the learned trial court within a period of 10 days from today, subject to payment of costs of ₹5,000/- to be deposited in the Poor Patients’ Welfare Fund, PGIMER, Chandigarh.

11. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.

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

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

14. All pending miscellaneous application(s), if any, stands disposed of.

29.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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