



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

(117)

CRM-M-32615-2026

Date of Decision:-01.07.2026

GURDARSHAN SINGH DHIMAN ALIAS NIKKU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 482 Cr.P.C.) seeking quashing of the impugned order dated 16.04.2026 (Annexure P-4) passed by the learned Additional Chief Judicial Magistrate, Bathinda, whereby, on account of non-appearance of the petitioner, his bail was cancelled and the bail bonds and sureties were forfeited to the State in FIR No.14 dated 23.01.2019, registered under Sections 61, 78 of Punjab Excise Act, 1914 at Police Station Nathana, District Bathinda, and non-bailable warrants were issued against him.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by learned Additional Sessions Judge, Bathinda vide order dated 22.02.2019 and thereafter, he had been regularly appearing before the learned trial Court. Learned counsel for the petitioner submits that on 16.04.2026, the petitioner had moved an



application seeking exemption from his personal appearance before the learned trial Court as the petitioner was suffering from some medical ailments and he was advised to take bed rest. Consequently, the petitioner remained absent on the said date, whereupon the impugned order came to be passed.

3. Learned State counsel appearing on behalf of respondent-State on advance notice submits that the absence of the petitioner has procrastinate the trial and hence the order is well within the legal parameters. He further submits that the matter is now fixed before the learned trial Court for 03.07.2026 for further proceedings.

4. Considering the order to be passed and issuance of notice of motion will further procrastinate the trial, the present petition is adjudicated in light of the judgment passed by the Hon'ble Supreme Court of India in case titled as ***"Krishna Sharma @ Krishna Kumar Sharma Vs. The State of West Bengal and another"*** SLP (Crl.) No. 12829 of 2023, the relevant extract of which reads as under:

"However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence."

5. In light of the above factual matrix and considering the ratio of law as laid down by the Hon'ble Supreme Court of India, the petitioner is



directed to appear before the learned trial Court on or before **03.07.2026** and shall be released on bail by furnishing fresh bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

6. With the above said direction, the present petition stands disposed of, subject to payment of cost of Rs.25,000/- to be deposited by the petitioner in the concerned DLSA and the petitioner will not be granted exemption from personal appearance on any date whatsoever in any circumstances.

(ALOK JAIN)
JUDGE

01.07.2026

Deepak Patwal

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No