



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

CRM-M-70224-2025
Date of decision: 12.03.2026

HAPPY ALIAS HAPPY SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Dhiraj Jindal, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of order dated 31.07.2025 (Annexure P-3) passed by learned Sessions Judge, Patiala, vide which, bail of the petitioner is cancelled and his bail/surety bonds were forfeited to State and non-bailable warrants were issued in FIR No.104 dated 26.03.2023 registered under Sections 302, 323, 34 and 506 of Indian Penal Code, 1860 at Police Station Ghanaur, District Patiala.

2. Learned counsel for the petitioner contended that due to unavoidable circumstances, the petitioner could not appear before the trial Court and could not file application seeking exemption from his personal appearance. Subsequently, the trial Court passed the impugned order and cancelled the bail of the petitioner and issued his non-bailable warrants. As such, the impugned order has been passed in a mechanical manner and is required to be quashed.



3. Notice of motion.
4. Mr. Surinderjit Singh Nahar, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and submitted that the petitioner did not put in appearance before the trial Court intentionally, due to which, his non-bailable warrants were issued to secure his presence.
5. Heard.
6. This Court has considered the contentions of learned counsel for the parties and perused the order of learned trial Court dated 13.07.2025 and found that the learned trial Court has not committed any error or irregularity while passing the impugned order. Non-filing of the exemption application on behalf of the petitioner/accused before the trial Court indicates his absence as *mala fide*. It is manifested from the perusal of the impugned order that same has been passed by the Presiding Officer after being satisfied that presence of petitioner-accused could not be secured without issuing non-bailable warrants.
7. In view of the above, this Court finds no merit in the present petition and the same stands dismissed.

March 12, 2026
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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned

Yes/No
- (ii) Whether reportable

Yes/No