

323

CRM-M-73821-2025

-1-

2026-PHHC-025810



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

CRM-M-73821-2025

Date of decision: 18.02.2026

AJIT SINGH

....Petitioner

Versus

SHRI RAM TRANSPORT FINANCE CO. LTD.

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. J.S. Dhaliwal, 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 03.12.2025 (Annexure P-6) passed by learned Sessions Judge, Sri Muktsar Sahib in a complaint case filed under Section 138 of the Negotiable Instruments Act 1881, 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 convicted under Section 138 of the Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay double the amount of cheque. Feeling aggrieved, petitioner preferred an appeal before the learned Sessions Judge, Sri Muktsar Sahib whereby vide order dated 14.08.2025 the petitioner was directed to deposit only 20% of the cheque amount. The petitioner, thereafter preferred a criminal revision petition before this Hon'ble Court and subsequently the

order dated 14.08.2025 passed by learned Sessions Judge, Sri Muktsar



Sahib was quashed by the Co-ordinate Bench vide order dated 03.12.2025 in *CRR-3050-2025*. Learned counsel for the petitioner submits that the date before the learned Trial Court was also 03.12.2025 and eventually he could not appear before the learned Trial Court on that date. Subsequently, vide order dated 03.12.2025 itself, learned trial Court cancelled the bail of the petitioner, his bail bonds were forfeited and his non-bailable warrants were issued.

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. I have heard learned counsel for the petitioner and perused the record of the case with their able assistance, the matter is taken up for final disposal.

6. 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 03.12.2025 before the learned Trial Court and ultimately on 03.12.2025 itself his bail was cancelled, bail bonds were forfeited to State followed by issuance of non-bailable warrants. By filing the present petition the petitioner has shown his intention to submit before the learned Trial Court.



7. The sole purpose of issuance ofailable/non-ailable 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.

8. 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 03.12.2025 (Annexure P-6) is set aside to the extent of cancellation of bail and issuance of non-ailable warrants only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 05.03.2026.

9. 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.

10. 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.

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

18.02.2026

puneet

- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No