



CRM-M-73139-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.141

CRM-M-73139-2025
Decided on : 18.02.2026

Sukhraj Singh alias Gori

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : **HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present : Mr. V.K.Sandhir, Advocate
for the petitioner.

RUPINDERJIT CHAHAL, J (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 for setting aside the order dated 22.04.2025, passed by the Court of learned Additional Sessions Judge, Amritsar, vide which the bail bonds and surety of the petitioner have been cancelled and non-bailable warrants have been issued for non-appearance of the petitioner on 22.04.2025 in case FIR No.0051 dated 12.08.2023, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Jhander, District Amritsar.
2. Learned counsel for the petitioner submits that the petitioner was on bail in the aforesaid FIR and was regularly appearing before the learned trial Court. However, in the meantime, the petitioner was arrested in another case and he was not produced by the jail authorities on 22.04.2025, as such, the learned trial Court cancelled the bail of the petitioner, forfeited his bail bonds and surety bonds and issued non-bailable warrants of arrest against him.



3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional but because the petitioner was not produced by the jail authorities, 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. Notice of motion.

6. Mr. Ravinder Singh, DAG Punjab, who is present in Court, 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 on 22.04.2025 before the learned trial Court and ultimately on that date, his bail was cancelled and 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.

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



CRM-M-73139-2025 3

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 22.04.2025 is set aside to the extent of cancellation of bail and issuance of non-bailable warrants only, and the petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court within four weeks.

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, the present petition stands disposed of.

18.02.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether speaking/reasoned

:

Yes/No