



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

**CRM-M-57052-2025**

**Date of decision: 13.10.2025**

**VIKRAMJEET JHAJHARIA**

**....Petitioner**

**Versus**

**STATE OF PUNJAB AND ANR.**

**....Respondents**

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

Present:- Mr. Lupil Gupta, Advocate and  
Mr. Amrish Singh, Advocate for the petitioner.

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**RUPINDERJIT CHAHAL, J. (ORAL)**

1. This petition has been filed under Section 528 BNSS, 2023 seeking setting aside of impugned order dated 27.08.2025 (Annexure P-6) and 16.09.2025 (Annexure P-7) passed by learned Judicial Magistrate Ist Class, Abohar, District Fazilka in case bearing NACT-626 of 2023 dated 27.03.2023 titled '*State Bank of India vs. Vikramjeet Jhajharia*' under Section 138 of the N.I. Act, 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 and further issuance of proclamation against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. However, on 27.08.2025, the petitioner could not appear before the trial Court as he suddenly fell ill and doctor advised him two days rest. He submits that his counsel although was informed but he did not move any application for



exemption from personal appearance. Subsequently, vide order dated 27.08.2025, learned trial Court cancelled the bail of the petitioner and his non-bailable warrants were issued. He further submits that the warrants of arrest of the petitioner were received back un-executed and vide order dated 16.09.2025 proclamation against the petitioner was ordered to be 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 orders are 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 orders have 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 cases where it is found that absence of accused was intentional to evade the process of law, the accused can be penalised by imposing some cost.



9. In the present case, the petitioner did not appear on 27.08.2025 before the learned Trial Court and ultimately on 27.08.2025 his bail was cancelled, bail bonds were forfeited to State followed by issuance of non-bailable warrants and vide order dated 16.09.2025 proclamation against the petitioner was ordered to be issued. By filing the present petition the petitioner has shown his intention to submit before the learned Trial Court.

10. The sole purpose of issuance of bailable/non-bailable warrants/proclamation 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.

11. 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 orders dated 27.08.2025 and 16.09.2025 are set aside to the extent of cancellation of bail, issuance of non-bailable warrants and issuance of proclamation only against the petitioner only, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 28.10.2025 subject to payment of Rs.5,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC:SBIN0014656, State Bank of India, Sector 68, SAS Nagar, Mohali.

12. 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.

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13. 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.

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

13.10.2025  
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**(RUPINDERJIT CHAHAL)**  
**JUDGE**

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |