



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

CRM-M-45226-2025

Date of decision: 20.08.2025

BOOTA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Kamal Narula, 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 08.01.2024 (Annexure P-16) passed by learned Additional Chief Judicial Magistrate, Fazilka in case CIS No.CHA-220-2021 bearing bearing FIR No.390 dated 08.11.2020 registered under Section 61 of the Punjab Excise Act, 1914 P.S. Sadar Fazilka, District Fazilka, whereby, bail bonds/surety bonds 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.

2. Learned counsel for the petitioner submits that the petitioner was on bail and was regularly appearing before learned trial Court. However, on 08.01.2024, the petitioner could not appear before the trial Court. Subsequently vide order dated 08.01.2024, learned trial Court cancelled the bail bonds/surety bonds of the petitioner 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 but because of being in custody in some other case 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. The reasons assigned by the petitioner for non-appearance seem to be genuine and it cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

9. The sole purpose of issuance of non-bailable 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.



10. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 08.01.2024 (Annexure P-16), whereby, the bail bonds/surety bonds 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, is hereby set aside.

11. Petitioner is directed to appear before the trial Court within a period of four weeks and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

12. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, the interim protection granted by this Court shall be deemed to be vacated.

20.08.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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