



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

CRM-M-46689-2025
Date of decision: 26.08.2025

GURMEET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ruhani Chadha, Advocate
 for the petitioner (through VC).

 Mr. Gorav Kathuria, DAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 24.07.2025 (Annexure P-6) passed by Id. Judge, Special Court, Fazilka whereby bail of the petitioner has been cancelled and bail bonds have been forfeited and arrest warrants have been issued in case arising out of FIR No.04 dated 31.01.2023 under Sections 21, 27 of NDPS Act registered at Police Station State Special Operations Cell, Fazilka, District Intelligence Wing (CID) on account of his absence on a single date.

2. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the material on the file.

3. Learned counsel for the petitioner contends that petitioner was granted bail and was regularly facing the trial but he could not



appear in the Court on 24.07.2025 and his bail was cancelled. His absence was not intentional and he never intended to abscond or delay the trial. Learned counsel further contended that object of bail is not punitive but to ensure the presence of accused during the trial and his past conduct also establishes that he had no intention to break the process of law and he undertakes to abide by all the terms and conditions that may be imposed by the Court. It has been prayed that impugned order be set aside.

4. Upon notice of motion, Mr. Gorav Kathuria, DAG, Punjab, accepts notice on behalf of the State and has opposed the prayer and argued that petitioner absented and has hampered the trial and the impugned order is not liable to be quashed.

5. A Co-ordinate Bench of this Court, in the judgment reported as Law Finder Doc.id# 2765158, 2025:NCPHHC:106708 titled as “**Sahib Singh @ Saab Singh Vs. State of Punjab**” has held that issuance of non-bailable warrants should not be exercised in a mechanical manner and must be adopted sparingly, only upon recording cogent reasons reflecting the necessity of such a stringent course. It has been further held that cancellation of bail amounts to unjustifiable restriction on procedural rights of petitioner in the absence of any misconduct or deliberate attempt to evade proceedings and petitioner-accused was directed to appear before the trial Court and to furnish an undertaking to appear on each and every date of hearing and was ordered to be released on bail. It was further held that object of bail is to secure appearance of accused at trial



and deprivation of liberty must only be necessitated by extraordinary circumstances and courts should avoid punitive approach and adhere to procedural safeguards enshrined under the law. In holding so, reliance was placed upon 1978(1) SCC 118 titled as '**Gurcharan Singh Vs. State (UT of Delhi)**' and (2012) 1 SCC 40 titled as '**Sanjay Chander Vs. CBI**'.

6. Perusal of the record shows that petitioner did not appear before the trial Court on 24.07.2025 and his bail was cancelled. However, learned counsel for the petitioner has placed on file various orders passed by the trial Court since 26.10.2023 onwards to show that petitioner has been regularly appearing before the trial Court after he was released on bail and he neither moved any application seeking exemption on a single date nor he absented. However, he absented on 24.07.2025 and his bail was cancelled. Even on that date, the case was not fixed for any substantial purpose as an application for exemption had been moved on behalf of co-accused Manoj Kumar, which was allowed, from which it could be inferred that accused has willfully absented to hamper the trial. Rather, instead of cancelling the bail on account of his non-appearance, the Court could have issued notice or bailable warrants to secure his presence instead of passing the punitive order of cancellation of bail. Moreover, bail could have been cancelled and arrest warrants could have been issued only after recording a satisfaction that accused has wilfully absented with cogent reasons reflecting the necessity of such a stringent



course. As such, the absence of petitioner on the date fixed cannot be termed as willful or intentional so as to hamper the trial and thus, impugned order is liable to be set aside.

7. As a result of aforesaid discussion, the present petition is allowed and impugned order dated 24.07.2025 (Annexure P-6) is set aside and it is ordered that petitioner shall be released on bail to the satisfaction of the trial Court on his appearance before the trial Court within 15 days from today. In case, he fails to appear within 15 days, the benefit of bail granted by way of this order shall come to an end.

(YASHVIR SINGH RATHOR)
JUDGE

26.08.2025
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No