



CRM-M-20383-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-20383-2026
Decided on : 17.04.2026

Arshdeep Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner, namely, Arshdeep Singh, aged 22 years has filed present petition under Section 528 of BNSS, 2023, seeking quashing of order dated 21.01.2026 (P-4), passed by the learned Additional Sessions Judge, SAS Nagar Mohali, whereby bail of the petitioner has been cancelled and the bail bonds have been forfeited to the State, and non-bailable warrants have been issued against him

2. Learned counsel for the petitioner submits that petitioner was implicated in FIR No. 247 dated 27.08.2023 (Annexure P-1) under Sections 382, 384, 473, 148, 149 IPC (corresponding to Sections 307, 308(2), 341(2), 191(3), 190 of the BNS, 2023) and Sections 25(6) and 25(7) of the Arms Act, 1959, registered at Police Station Zirakpur, District SAS Nagar, Mohali, and was thereafter arrested and released on



CRM-M-20383-2026

2

regular bail, and had been regularly appearing before the learned Trial Court on each and every date of hearing.

It is further submitted that the petitioner could not appear before the learned Trial Court on account of compelling circumstances, as he was allegedly assaulted and threatened at Punjabi University, Patiala in September 2025, and thereafter remained unwell and was undergoing treatment, including de-addiction treatment at Government Medical College and Rajindra Hospital, Patiala, from 07.01.2026 to 03.02.2026, as reflected in the discharge slip (Annexure P-2).

Learned counsel further submits that despite the petitioner's absence being bona fide and due to medical reasons, the learned Trial Court proceeded to cancel his bail bonds and surety bonds vide impugned order dated 21.01.2026, without affording any effective opportunity of hearing, which has resulted in grave prejudice to the petitioner.

Counsel further submits that absence of petitioner was neither deliberate nor intentional, but was due to the reasons stated hereabove. Counsel for the petitioner submits that petitioner is now ready and willing to appear before the learned Trial Court and join the proceedings. In these circumstances, petitioners pray for the setting aside of the order dated 21.01.2026(P-4).

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners do not deserve any sympathy. Learned State counsel further submits that looking at their



CRM-M-20383-2026

3

conduct, there is no surety that in future, petitioners would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused



CRM-M-20383-2026

4

and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case ***Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)***.

6. I have considered the submissions of both sides and examined the relevant material available on record.

7. In the totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner. Petitioner is directed to appear before learned trial Court concerned on 08.05.2026 or within 15 days from today.

8. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds

**CRM-M-20383-2026**

5

have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

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

(SANJAY VASHISTH)**JUDGE****17.04.2026**

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Whether Speaking/Reasoned:
Whether Reportable:**YES/NO**
~~YES~~/NO