

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

**CRL. MISC. No.M-16940 OF 2017 (O&M)**  
**DATE OF DECISION : 4<sup>th</sup> JULY, 2017**

**Sukhdev Singh @ Sukha**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI**

\* \* \* \*

Present : Mr. Nitin Rampal, Advocate for the petitioner.

\* \* \* \*

**A. B. CHAUDHARI, J. (ORAL)**

Notice of motion.

Ms. Samina Dhir, D.A.G. Punjab accepts notice on behalf of  
the State.

Rule.

Heard forthwith with consent of counsel for the rival parties.

There is challenge to order dated 07.03.2017 (Annexure P-3)  
passed by the learned Judge Special Court, Faridkot by which the  
petitioner was declared proclaimed offender in FIR No.53, dated  
19.03.2015 registered under Sections 21/61/85 NDPS in Police Station  
Kotwali, District Faridkot.

It is not in dispute that the petitioner was released on regular  
bail by the trial Court in the aforesaid FIR. However as contended by  
learned counsel for the petitioner he was in custody in another case and  
that is why the petitioner could not attend the trial Court on the relevant  
date but then the trial Court was not made aware of the said fact.  
Thereafter the petitioner was released on bail in that case. In the  
meanwhile the trial Court passed the impugned order dated 07.03.2017  
declaring the petitioner as proclaimed offender.

I do not think that any fault can be find out with the impugned order of the trial Court, since the petitioner has not attended the Court on the appointed date(s). However, I find that the petitioner was granted regular bail by the trial Court and counsel for the petitioner gives undertaking that the petitioner would file affidavit before the Court below to appear there with promptitude and shall not make any default, I think the petitioner should be given a chance.

In that view of the matter, I am inclined to pass the following order:

**ORDER**

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-16940 OF 2017 is allowed.
- (iii) Impugned order dated 07.03.2017 (Annexure P- 3) is set aside.
- (iv) The petitioner is granted anticipatory bail in the present case on furnishing fresh bail bonds to the satisfaction of the trial Court.
- (v) The petitioner would file an affidavit before the Court below as aforesaid and shall continue to appear before the trial Court with promptitude till the completion of trial.
- (vi) Any further failure on the part of the petitioner shall result into trial Court taking him in custody.

Disposed of accordingly.

**4<sup>th</sup> JULY, 2017**  
*'raj'*

**(A. B. CHAUDHARI)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes*

*No*

*Whether Reportable:*

*Yes*

*No*