

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

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**CRM-M No.36486 of 2016 (O&M)
Date of Decision : 25.03.2019**

Kamalpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. N.S. Dandiwal, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of order dated 18.02.2010 passed by the JMIC, Moga declaring the petitioner as proclaimed offender in FIR No.22 dated 25.02.2005 (Annexure P-1) registered under Sections 22, 61, 85 of the N.D.P.S. Act at P.S. Nihal Singh Wala, District Moga.

Counsel for the petitioner has argued that the provision of Section 82 Cr.P.C. were not followed before declaring the petitioner as proclaimed offender. As per the counsel, the police officials knew that the petitioner has gone abroad and this fact is clear from Annexures P-2 and P-3. Counsel for the petitioner has further stated that the petitioner is willing to come back to India and face trial.

On instructions from ASI Chhinda Singh, learned Deputy Advocate General is not in a position to deny that the police knew that he had gone abroad.

In the circumstances, in view of the statement of the counsel for the petitioner that the petitioner is willing to face trial, I deem it appropriate to quash the order dated 18.02.2010. Ordered accordingly.

The petitioner is directed to appear before the trial Court on 29.04.2019. Till then his arrest shall remain stayed.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

March 25, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No