

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

CRM-M-14677-2020(O&M)

Date of decision: 11.6.2020

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.V.K.Jindal, Advocate for the petitioner
Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C seeking quashing of order dated 18.1.2020 declaring the petitioner a proclaimed person. The petitioner is facing trial in a criminal case arising from FIR No. 217 dated 25.7.2014 registered under Section 21 of the NDPS Act at Police Station, City Kapurthala. Rs.4000/- were recovered from the conscious possession of the petitioner, although, from the co-occupants of the vehicle alongwith the petitioner, 300 grams heroin (narcotics) is alleged to have been recovered. The petitioner was granted concession of bail. The petitioner was regularly appearing before the Trial Court. However, the petitioner did not appear before the Trial Court on 11.10.2019 resulting in cancellation of his bail. Petitioner has been declared proclaimed person vide order dated 18.1.2020.

Learned counsel for the petitioner submits that proceedings and the order declaring the petitioner a proclaimed person are erroneous as the proclamation notice was not published for a minimum period of

30 days as required under Section 82 Cr.P.C. He submits that on 15.12.2019 notice, was published calling upon the petitioner to put his appearance on 7.1.2020. Thereafter, the Court realizing its mistake adjourned the case to 18.1.2020 without ordering fresh publication. Hence, he submits that the order passed on 18.1.2020 is erroneous.

Notice of motion.

On the asking of Court, Mr. S.P.S.Tinna, Addl. AG, Punjab accepts notice on behalf of the State of Punjab. He submits that although the petitioner does not deserve the concession of bail because he had earlier absconded from the process of law, however, the State has no objection if the petitioner is directed to appear before the Trial Court.

Keeping in view the aforesaid facts of the case, it is considered appropriate to direct the petitioner to appear before the Trial Court and furnish fresh bail bonds with surety of the like amount to the satisfaction of the Trial Court within one month from today. The petitioner would also be required to file an affidavit that he would regularly appear before the Court unless his presence is exempted in advance.

If the petitioner complies with the aforesaid directions, he shall be released on bail. The order dated 18.1.2020 is set aside subject to the fulfillment of the directions noticed above.

Disposed of.

11.06.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No