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

**CRM-M-38596-2021
Date of decision: 16.11.2021**

KUMAR ABHIMANYU**...Petitioner**

VERSUS

STATE OF PUNJAB**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Kirat Pal Dhaliwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of order dated 01.07.2021 passed by the trial Court, whereby the petitioner has been declared a proclaimed offender in case FIR No. 0028 dated 12.02.2020, registered under Section 22 of the NDPS Act, 1985 at Police Station Anaj Mandi, Patiala, District Patiala, Punjab.

The operative part of the order dated 17.09.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“...Learned counsel for the petitioner submits that as per allegations in the FIR, the police apprehended three persons, namely Jagjeet Singh @ Jagi, Shalinder Singh @ Shinda and Chodanpal @ Sadhupal, and recovery of some narcotic tablets was effected.

Learned counsel further submits that during investigation, on the disclosure of the aforesaid persons, the name of the petitioner surfaced in this case, however, the petitioner, who is a resident of State of Bihar, was not

aware of the pendency of the present FIR and, therefore, he had no occasion to appear before the Investigating Officer.

Learned counsel further submits that in the intervening period, the petitioner has been declared a proclaimed offender by the trial Court without following the mandatory provisions of Sections 82/83 Cr.P.C. It is further submitted that petitioner is ready to surrender before the trial Court and face the trial.

Notice of motion.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 17.09.2021, has already appeared before the trial Court and is facing the trial.

In view of the above, the present petition is allowed and order dated 01.07.2021 passed by the trial Court, whereby the petitioner has been declared a proclaimed offender, is set aside and the interim bail granted to the petitioner, vide order dated 17.09.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

16.11.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No