

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

CRM-M-48911 of 2019 (O&M)

Date of Decision: 20.07.2021

Dilsher Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Randhawa, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Crl.M.No.20167 of 2021

Prayer is for preponing the date of hearing.

Notice of the application.

Sh. Sukhbeer Singh, AAG, Punjab accepts notice on behalf of respondent-State of Punjab.

Heard.

For the reasons recorded in the application, which is supported by an affidavit, the same is allowed and the matter is taken up for hearing today itself.

Main case

Prayer is for quashing of FIR No.80 dated 15.03.2015 under Sections 27/61/85 of NDPS Act registered at P.S City Tarn Taran, District Tarn Tarn along with all subsequent proceedings arising therefrom including impugned order dated 06.09.2018 passed by learned Chief Judicial Magistrate, Tarn Taran declaring the petitioner as proclaimed person.

However, learned counsel for the petitioner presses this petition only for quashing of order dated 06.09.2018 declaring the petitioner as proclaimed person.

Qua the remaining prayers, the petition is dismissed as withdrawn at this stage.

It is stated that the petitioner was apprehended in the afore-stated FIR. He was released on regular bail by the learned trial Court. Thereafter, he had been regularly appearing before the trial Court. However, on account of failure of the petitioner to appear before the trial Court on the date fixed, his bail bonds were cancelled and his presence was ordered to be secured through non-bailable warrants. He has been declared as proclaimed person vide the order impugned.

Learned counsel for the petitioner states that his non-appearance was not intentional. In fact, the petitioner is HIV positive and is also patient of Hepatitis C. Because of being hospitalized on account of his medical condition, he could not appear before the learned trial Court on certain occasions, which has led to passing of order declaring the petitioner as proclaimed person. He undertakes that the petitioner is ready and willing to appear before the learned trial Court and face the trial. He shall appear before the learned trial Court on any date to be fixed by this Court.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 16.08.2021. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

July 20, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No