

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

**CRM-M-5239 of 2022
Date of Decision:-09.02.2022**

Mohit Saini

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARINDER SINGH SIDHU J.

Prayer in this petition is for quashing of order dated 19.12.2021 (Annexure P-4) passed by the Judicial Magistrate 1st Class, Mukerian, whereby the petitioner has been declared proclaimed offender.

Petitioner is an accused in FIR No.21 dated 25.1.2009, under Sections 20/61/85 of the NDPS Act registered at Police Station Tanda, District Hoshiarpur for having been found in possession of 10 grams of *charas*.

The petitioner was released on bail. In order to earn his livelihood, the petitioner went abroad in January 2011. On account of non-appearance of the petitioner, proclamation proceedings were initiated

against him and he was declared proclaimed offender vide the impugned order.

Learned counsel for the petitioner has contended that the order declaring him proclaimed offender has been passed in violation of the provisions of Section 82(4) Cr.P.C. as the mandatory 30 days time period was not granted to him for appearance. He states that it can never be the intention of the petitioner to evade the process of the Court, rather he is ready and willing to face the trial.

Accordingly, the petitioner may appear before the trial Court on or before 08.3.2022. On his doing so, he shall be released on interim bail by the trial Court to its satisfaction.

This shall, however, be subject to depositing Rs.1,00,000/- to the Director, P.G.I., 'Poor Patient Welfare Fund' of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

The petition stands allowed.

February 09, 2022
Vijay Asija

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No