

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24876-2017

Date of decision : 13.09.2022

Harmanjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.92 dated 27.07.2014 registered under Sections 22, 81 and 85 of the NDPS Act at Police Station Raja Sansi, District Amritsar Rural and all the subsequent proceedings arising therefrom including order dated 03.03.2015, whereby the petitioner was declared a proclaimed offender.

Learned counsel for the petitioner, at the outset, limits his prayer vis-à-vis order dated 03.03.2015. He submits that pursuant to the order passed by this Court on 19.07.2017, the petitioner appeared before the trial Court. Again on 03.07.2018, trial Court was directed to proceed further in accordance with law but the arrest of the petitioner was stayed. Again on 23.08.2018, following order was passed:-

“Heard.

*Photocopy of lower Court record be requisitioned for
06.12.2018.*

In the meanwhile, petitioner is directed to surrender

before the trial Court/Duty Magistrate within a period of 07 days. On his doing so, in the event of arrest, the petitioner will be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner submits that the order dated 03.03.2015 cannot survive as one of the proceedings under Chapter VI, were carried out. During all this period, the petitioner was abroad. He further submits that the petitioner has not been named in the FIR and there is no other case pending against him.

For the last more than 05 years, the present petition is pending before this Court owing to the fact that the arrest of the petitioner has been stayed. Order dated 03.03.2015 is still in existence, trial could not proceed further. No useful purpose would be served by keeping the petition pending over here. Admittedly, the petitioner has appeared before the trial Court, pursuant to the order of this Court. The absence of the petitioner stands condoned and the order declaring him proclaimed offender cannot survive.

It will be in the interest of justice that the order dated 03.03.2015 is set aside. The petitioner shall surrender before the trial Court. He shall move an application seeking regular bail which, shall be decided by the trial Court within a period of three days as per law.

Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

13.09.2022

ps-I

Whether speaking/reasoned
Whether Reportable :

Yes
No