

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-31863-2022  
Reserved on: 25.08.2022  
Date of Pronouncement: 30.08.2022

Sorabh @ Saurabh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate  
for the petitioner(s).

Mr. Virat Rana, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated     | Police Station                   | Sections    |
|---------|-----------|----------------------------------|-------------|
| 180     | 22.9.2019 | Division-B, District<br>Amritsar | 22 NDPS Act |

1. Challenging the order declaring the accused as proclaimed offender, he has come up before this court under Section 482 of Code of Criminal Procedure, 1973 (CrPC) for its quashing.
2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 23-05-2022, passed by Special Court, Amritsar, (Annexure P-5).
3. Ld. counsel for the petitioner stated that the petitioner could not appear because he was never served upon for the reasons that he had shifted his residence, and Id. counsel referred to the address given in AADHAR card (Page 42 of the petition) and in the summons, to establish his point.

4. In my considered opinion, the explanation deserves acceptance. Consequently, the impugned proclamation order is quashed and set aside. To further establish bona fide, within fifteen days from today, the petitioner is directed to either apply for bail under section 438 CrPC or surrender before the concerned court and apply for regular bail. In case he does not follow any of the above options, then this would mean that the petitioner’s explanation was not bona fide but was intending to get a favorable order, and consequently, this order shall stand recalled automatically by virtue of powers under sections 362 read with 482 CrPC, without any further reference to this court, and the proclamation order shall stand restored.

5. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

6. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

**Petition partly allowed to the extent mentioned above.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

August 30, 2022  
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|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |