

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

CRM-M-1893-2023

DATE OF DECISION:-13.01.2023

Gurjeet Singh

...Petitioner.

V.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Daljeet Singh Virk, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, Additional Advocate General,
Haryana, for respondent-State.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner has sought quashing of an order dated 13.10.2017 (Annexure P-5), passed by the court of learned Additional Sessions Judge, Sirsa, whereby, he was declared as a proclaimed person.

The facts of the case are that the petitioner along with one Jagdeep Singh @ Deepu was arrayed as accused in FIR No.526 dated 09.07.2015, under Section 21/61 of the NDPS Act, 1988 registered at Police Station City Sirsa, District Sirsa on the allegation of recovery of 06 gm of heroin against petitioner. During the pendency of case, petitioner came under an impression that he was declared innocent by the investigating agency. The petitioner later got job and went abroad, thus, he

could not pursue and appear before the court below, resultantly, vide order dated 13.10.2017 passed by the court of learned Additional Sessions Judge, Sirsa, he was declared as a proclaimed person.

Learned counsel for the petitioner submits that though the petitioner was declared as a proclaimed person vide order dated 13.10.2017 (Annexure P5) passed by the court of learned Additional Sessions Judge, Sirsa, however, his co-accused, namely, Jagdeep Singh @ Deepu was already acquitted vide judgment dated 28.03.2019 passed by the court of learned Additional Sessions Judge, Sirsa. Learned counsel further submits that later the petitioner came to know the true status of proceeding against him and is now ready to surrender before the court and face the trial.

On the other hand, learned State counsel opposes the prayer made in the present petition.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Keeping in view the facts and circumstances of the present case, wherein, the co-accused of the petitioner, namely Jagdeep Singh @ Deepu already stands acquitted and the nature of evidence against the petitioner also remains the same in particular, considering the quantity being non-commercial and there being no other case against him, the petitioner is directed to surrender before the trial court within a period of 10 days from today and moves an application for grant of regular bail which is desired to be decided by the trial court on the same day, considering the aforesaid circumstances.

In view of the above, the present petition is disposed of, subject to deposit of a sum of Rs.20,000/- by the petitioner in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

13.01.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No