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

**CRM-M-14676-2023
Date of Decision: 24.04.2023**

Gurlal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ashish Bakshi, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Gurlal Singh) has filed the present petition under Section 482 of the Code of Criminal Procedure for setting aside order dated 11.01.2023 (Annexure P-1) passed by the Additional Sessions Judge, Special Court, Ludhiana, in case FIR No.405 dated 26.12.2017, under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Dakha, Ludhiana Rural.

2. Upon issuance of notice, status report by way of affidavit dated 24.04.2023 of Mr. Jasbinder Singh, P.P.S., Deputy Superintendent of Police, Dakha, District Ludhiana (Rural) has been filed on behalf of State of Punjab in Court today, which is taken on record, subject to all just exceptions.

3. Learned counsel for the petitioner contends that the petitioner had been nominated as an accused in the aforesaid FIR and was granted

anticipatory bail on 10.09.2018. Challan in the present case was presented on 08.07.2019 and charges were framed on 16.08.2019. It is submitted that on 28.01.2020, the petitioner could not appear before the trial Court as he had noted the wrong date, i.e. 28.04.2020, and due to his non-appearance, his bail was cancelled, bail/surety bonds were forfeited to the State and the petitioner was ordered to be summoned through warrants of arrest vide order dated 28.01.2020 passed by the trial Court. It is submitted that now the petitioner has been declared as a proclaimed offender by the Court of Additional Sessions Judge, Ludhiana vide order dated 11.01.2023 (Annexure P-1).

4. Learned counsel for the petitioner submits that the petitioner was unaware of the aforesaid orders dated 28.01.2020 and 11.01.2023 (Annexure P-1). It is stated that the petitioner approached the trial Court to attend the proceedings on 28.04.2020 (the wrong date noted by him instead of 28.01.2020) but as the Courts were working in restrictive manner due to Covid-19 pandemic, therefore, he could not gather any information regarding his case. Thereafter, when the police officials raided the house of petitioner on 28.01.2023 then he came to know about his being declared as a proclaimed offender by the Court of Additional Sessions Judge, Ludhiana vide order dated 11.01.2023 (Annexure P-1). Learned counsel contends that the said order dated 11.01.2023 is not legally maintainable as the provisions contained under Section 82 of the Code of Criminal Procedure has not been complied with. Accordingly, prayer has been made for quashing of order dated 11.01.2023 (Annexure P-1), whereby the petitioner was declared as a proclaimed offender.

5. On the other hand, the prayer made by the petitioner is opposed

by learned State counsel by submitting that the petitioner had jumped bail and absented himself from the proceedings intentionally and accordingly he does not deserve any indulgence by this Court.

6. After hearing the rival submissions made by learned counsel for the respective parties and upon perusal of the paper book, it is manifested that the petitioner was aware of the proceedings against him and he has stayed away from the proceedings pending before trial Court for more than three years and ultimately, the petitioner has been declared as a proclaimed offender. In the aforementioned circumstances, this Court is not inclined to grant any indulgence to the petitioner.

7. At this stage, learned counsel for the petitioner submits that the petitioner would be ready and willing to surrender before the trial Court and face the proceedings, however, he submits that the arrest of petitioner be stayed for a period of four weeks, in order to enable the petitioner to surrender before the trial Court and move an appropriate application for grant of regular bail. It is further prayed that appropriate direction be also issued that the prayer of petitioner for regular bail be considered by the concerned Court in a time bound manner.

8. Learned State counsel has not raised any objection to the said course of action.

9. Keeping in view the above stand taken by learned counsel for the petitioner, the instant petition is disposed of with a direction that in case petitioner surrenders before the trial court within a period of four weeks from today and applies for regular bail then his prayer for regular bail be decided expeditiously, in accordance with law. In the meanwhile, no coercive steps be taken against the petitioner for a period of four weeks

from today.

- 10. The petition stands disposed of in the aforesaid terms.
- 11. Pending application(s), if any, shall also stand closed.

24.04.2023
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No