

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

CRM-M-37996-2019

Date of decision: 21st August, 2023

Mohd. Sultan @ Mani

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Paras, Advocate for the petitioner.
Mr. Jashandeep Singh, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. The present petition has been filed for quashing of order dated 30th March, 2019 wherein petitioner has been declared proclaimed offender in FIR No. 29, dated 12th April, 2018, under Section 22 of Narcotic Drugs Psychotropic Substances Act, 1985 (for short 'the Act') (later on Section 29 of the Act added), registered at Police Station City Malerkotla, District Sangrur.

2. On 9th September, 2019 following order was passed:-

"It is contended by counsel for the petitioner that the petitioner was not named in the the FIR. Even as per the case of the prosecution, the co-accused, from whom recovery was effected, had named one "Rafiq Medical Hall". However, the petitioner is neither owner nor the employee at the said Medical Hall. Therefore, the petitioner has no connection with the alleged supplier as such. Rather the petitioner is working as a Carpenter. Since the petitioner was not connected with the crime at all, therefore, he was not aware of the fact that he was being required by the Police in connection with this case. The Police never served any notice, summon or warrant upon the petitioner. Therefore, the petitioner had no reason or occasion to appear before the Court as such. Hence, the

petitioner has been wrongly declared as Proclaimed Offender. However, the petitioner does not intend to avoid the process of law. The only prayer is that the petitioner be protected against his arrest.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Notice of motion for 27.11.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner on instructions submits that petitioner has joined the investigation and was released on interim bail on furnishing of personal bonds/surety.
4. In view of the above, no further directions are called for.
5. The petition is disposed of.
6. Since the main case has been disposed of, pending application if any is rendered infructuous.

**[AVNEESH JHINGAN]
JUDGE**

21st August, 2023

Parveen Sharma

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