

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CRM-M-43756-2023 (O&M)
DATE OF DECISION:- 19.09.2023

SAHIL KUMAR @ SAHIL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

CRM-37835-2023

1. Application is allowed as prayed for.
2. Order dated 08.08.2018, whereby the petitioner was released on regular bail by the learned Judicial Magistrate is taken on record as Annexure P-15.

Main case

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for quashing of orders dated 11.04.2022, Annexure P-8, as well as order dated 05.04.2023, Annexure P-12, whereby due to non-presence before the Trial Court, his bail has been cancelled and he has been declared as a proclaimed offender.
2. Counsel for the petitioner submits that petitioner was named as an accused in FIR No.161 dated 24.07.2018 for offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Civil Lines, Batala, District Batala. Counsel

submits that the petitioner was released on regular bail by order, Annexure P-15, and has been regular appearing before the Trial Court. Counsel submits that upon conclusion of investigation, final report was presented before the Special Court on 21.01.2021, Annexure P-2, in his absence and notice issued to him by the Court remained unserved. Counsel submits that on account of his non-appearance, the Court initiated proceedings under Section 82, Cr.P.C. and the proclamation was effected at his old address. By referring to the *Xerox* copy of the Aadhar Card (at page 27 of the paper-book), counsel submits that he has not been served at his address as is reflected therein. Counsel asserts that besides the present criminal case, petitioner is not involved in any other unlawful activity nor has he misused the concession of bail and he is prepared to surrender before the Trial Court and join the proceedings.

3. Notice of motion.

4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the State-respondent. Upon instructions received from ASI, Palwinder Singh, State counsel submits that recovery of 5 grams of Heroin has been effected from the petitioner, which led to the registration of FIR, Annexure P-1. He has specific instructions to state that the petitioner is not involved in any other criminal case. He has supported the orders passed by the Trial Court.

5. I have heard counsel for the parties and considered their respective submissions.

6. Soon after being declared as a proclaimed offender, petitioner had approached the Special Court by filing a petition seeking grant of anticipatory bail, which was rejected by order dated 20.04.2023,

Annexure P-14. The offer made by the petitioner seems to be sincere and in the opinion of the Court, it deserves to be accepted.

7. Accordingly, it is directed that in case the petitioner surrenders before the Trial Court and joins the proceedings within a period of four weeks from today and moves an appropriate application, he shall be released on bail on his furnishing fresh bail/surety bonds to the satisfaction of the Trial Court. In such an eventually, impugned order, Annexure P-8, shall be set aside. However, in case, the petitioner fails to surrender within the time granted by this Court, petition shall be treated to have been dismissed.
8. Disposed of.

(SUVIR SEHGAL)
JUDGE

19.09.2023
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No