

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46777-2023

Date of decision :24.11.2023

KASHMIR SINGH @ KALA

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

On 16.10.2023, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 19.08.2023 (Annexure P-4) passed by the Additional Sessions Judge, Hoshiarpur vide which the bail order dated 13.12.2016 and the bail bonds are cancelled and forfeited to the State in case FIR No.0219 dated 27.10.2016 registered under Section 22 of the NDPS Act at Police Station Tanda, District Hoshiarpur.

The learned counsel for the petitioner contends that on account of noting down of a wrong date, he was unable to appear on one date i.e. 24.01.2023 because of which the impugned order came to be passed. He states that the petitioner is ready and willing to join proceedings once again.

Notice of motion for 24.11.2023.

In the meanwhile, the petitioner are directed to surrender before the Trial Court within a period of one week from today subject to a deposit of Rs.25,000/- as costs with the Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund, A/c No.41564846387, SBI, IFSC Code-

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SBIN0050306 and on his doing, he shall be admitted to interim bail to the satisfaction of the Trial Court.

The learned counsel for the petitioner shall place on record a copy of the receipt depositing the amount of Rs.25,000/- as well as a copy of the order granting interim bail to the petitioners.

Despite the aforementioned order, the petitioner did not appear before the Court and on 16.11.2023, the petitioner has been declared a proclaimed offender. The order of the Addl. District and Sessions Judge, Hoshiarpur reads as under:-

“Today the case was fixed for awaiting presence of accused as statutory period of 30 days after effecting proclamation of the accused. The bear perusal of the file reveals that vide order dated 16.10.2023 passed by Hon'ble Punjab and Haryana High Court in CRM-M-46777-2023, the accused was directed to surrender before this court within period of one week from 16.10.2023 subject to deposit of Rs. 25000/- as cost with the Punjab and Haryana High court bar association Chandigarh lawyers family welfare fund account no. 41564846387 SBI and on doing this he shall be admitted to interim bail to the satisfaction of the trial court. However, neither accused surrendered before the court within week from 16.10.2023 nor any evidence as to deposit of Rs. 25000/- been produced on record.

In continuation of order dated 26.10.2023 passed by this court, since the proclamation of the accused was effected on 15.10.2023 and he has not appeared within 30 days. Thereafter, hence the accused is declared as proclaimed offender. The prosecution has already examined two witnesses therefore the evidence under Section 299 Cr. PC stands closed by order. The

*file is ordered to be consigned in the record room and
be put up as and when the accused is re-arrested.”*

As the order of this Court has not been complied with this
petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

24.11.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No