

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

(131)

CRM-M-53791-2023
DATE OF DECISION:- 20.11.2023

ASHOK KUMAR**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Neeraj Jain, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for setting aside order dated 16.10.2023 passed by the Special Court, Mansa, Annexure P-2, whereby proceedings have been initiated under Section 82, Cr.P.C. in FIR No.78 dated 07.03.2020, registered for offences under Sections 21 and 25 of the NDPS Act, at Police Station Sadar Mansa, District Mansa, Annexure P-1.

2. Counsel for the petitioner submits that the petitioner was named as an accused in two criminal cases. He submits that in both the cases, due to miscommunication of the dates, petitioner could not appear before the Court. He submits that by order dated 07.11.2023, while entertaining a petition in the other FIR, this Court directed the petitioner to surrender before the Trial Court within a period of three weeks and directed that no coercive steps shall be taken against him. Counsel submits that in so far as the present FIR, Annexure P-1, is concerned, no recovery has been effected from the petitioner, who was allegedly driving a car and recovery of 7 grams heroin has been made from the co-accused, who was sitting besides him. Counsel submits that due to default in

appearance, by impugned order, proceedings have been initiated to declare the petitioner as a proclaimed offender. He submits that the proclamation has been issued for 05.12.2023 and the petitioner is prepared to surrender before the Trial Court on or before the said date, subject to compliance of any condition imposed by this Court.

3. Notice of motion.
4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the State-respondent. He has opposed the prayer made in the petition.
5. Having heard counsel for the parties and considering their submissions, this Court is of the view that as the petitioner has approached this Court even before he could be declared as an absconder, he deserves to be granted an opportunity to join the proceedings.
6. Noticing the facts as well as nature of allegations, petitioner is directed to surrender before the Trial Court, join the proceedings on or before 05.12.2023 and move an appropriate application. In case, he does so, he shall be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court. This will be subject to deposit of cost of Rs.10,000/- with the Social Welfare Fund Committee of Bar Clerks Association Punjab and Haryana High Court at Chandigarh. The receipt of deposit shall be furnished by the petitioner to the Trial Court on the day he surrenders.
7. With the above direction, petition is disposed of.

20.11.2023

(SUVIR SEHGAL)

Kamal

JUDGE

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