

CRM-M-56161-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 08.11.2023

Narinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sahil Kumar, Advocate for
Mr. Lakshay Bector, Advocate for the petitioner.
Ms. Navreet Kaur Barnala, AAG Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has approached this Court by filing the present petition under Section 482 Cr.P.C. seeking quashing of order dated 19.08.2023 (Annexure P-6), passed by learned Additional Sessions Judge, Ludhiana, vide which the petitioner has been declared a proclaimed offender in FIR No.60 dated 16.05.2017 (Annexure P-1), registered under Section 22 of the NDPS Act at Police Station City Raikot, District Ludhiana.
2. Learned counsel for the petitioner *inter alia* contends that due to non-appearance of the petitioner, the trial Court has proceeded to cancel the bail and ordered forfeiture of the surety bond and thereafter non-bailable warrants were issued against the petitioner and co-accused vide order dated 21.03.2023.
3. Notice of motion.
4. Ms. Navreet Kaur Barnala, AAG Punjab, accepts notice on behalf of the respondent-State and waives service.

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5. I have heard learned counsel for the parties.

6. A perusal of the interlocutory orders annexed with this petition shows that challan was presented on 08.08.2019 in the absence of the petitioner. Thereafter, an application for exemption was filed by the petitioner, which was allowed on 31.10.2019. Thereafter, due to the outbreak of COVID-19 pandemic, the proceedings before the trial Court were restricted and as such, the petitioner could not appear before the trial Court. In this regard, learned counsel for the petitioner has also referred to copies of the medical reports of the relevant period to contend that the absence of the petitioner before the Court proceedings is neither deliberate nor intentional. Petitioner has already approached this Court by filing CRM-M-38595-2023, challenging the order dated 21.03.2023, vide which the non-bailable warrants were issued against the petitioner and this Court has already issued notice of motion in the said case.

7. The sole purpose of issuance of warrants of arrest is to secure the presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the learned trial Court on each and every date.

8. Accordingly, the present petition is allowed. The impugned order dated 19.08.2023 vide which the petitioner was declared a proclaimed offender is set-aside. The petitioner is directed to appear before the Court below within 15 days from today and on his doing so, the Court concerned shall admit him to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of Rs. 10,000/- for wasting precious time of

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the Court, to be deposited before District Legal Services Authority,
Ludhiana.

(HARPREET SINGH BRAR)
JUDGE

November 08, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No