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

**CRM-M-60672-2022(O&M)**  
**Date of Decision: 27.04.2023**

HAZOORA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. L.S. Bhullar, Advocate  
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

**HARSH BUNGER, J. (Oral)**

1. Petitioner has filed the instant petition under Section 482 Cr.P.C., 1973 praying for quashing of order dated 10.06.2016 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Nakodar, whereby he has been declared as Proclaimed Person in case FIR No.211 dated 07.12.2015 (Annexure P-1), registered under Sections 18 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 and 27 of the Arms Act, at Police Station Mehatpur, District Jalandhar.
2. Learned counsel for the petitioner would contend that initially the petitioner was not named in the FIR and his name figured for the first time in the disclosure statement of co-accused Jarnail Singh and Daya Singh,

who disclosed that they are in business of supplying narcotic drugs and had brought the narcotics and arms from the petitioner. Learned counsel further contends that the allegations levelled against the petitioner are totally false and baseless as the police never raided his house to establish his link with the crime and no effort was ever made by the police to join the petitioner in the investigation either by way of summons or even by way of arrest warrants.

3. Learned counsel for the petitioner submits that the petitioner was not aware about the proceedings in this case as he stays in Rajasthan and it was behind his back that he was declared as a proclaimed person on 10.06.2016. Learned counsel contends that the main accused, who were apprehended from the spot and from whom, the recoveries were effected, have been acquitted by the learned trial Court vide judgment dated 04.10.2021 (Annexure P-3) and hence, the allegations against the petitioner would not survive as he was only named in the disclosure statement and the link of the main accused with the petitioner was not proved during investigation. It is submitted that the petitioner has recently come to know that he has been declared as Proclaimed Person. He states that petitioner has been wrongly declared as proclaimed person as no steps were taken to effect service upon him in accordance with law. Accordingly, prayer has been made for quashing of order dated 10.06.2016 (Annexure P-2), whereby, he was declared as a Proclaimed Person.

4. Learned counsel for the respondent-State has not disputed the acquittal of the co-accused vide judgment dated 04.10.2021 (Annexure P-3) passed by Judge, Special Court, Jalandhar, however, the prayer in the present petition is opposed.

5. I have heard learned counsel for the parties and have also perused the paper book with their able assistance.

6. Admittedly, the petitioner was declared proclaimed person and has not faced trial. It has been argued that the co-accused have already been acquitted of the charge by the trial Court and the allegation against petitioner would not survive. However, in my considered view, it cannot be said at this stage as to whether the evidence against the petitioner would be the same or not. Moreover, the petitioner has stayed away from the proceedings in this case for almost 07 years. Accordingly, in the peculiar facts and circumstances of this case, this Court is not inclined to allow the prayer of the petitioner for quashing of order dated 10.06.2016 (Annexure P-2) declaring petitioner as proclaimed person.

7. At this stage, the counsel for the petitioner submits that the petitioner would be ready and willing to surrender before the trial Court and face the proceedings, however he submits that the arrest of the petitioner be stayed for a period of three weeks, in order to enable him to surrender before the trial Court and move an appropriate application for regular bail. It is further prayed that appropriate direction be also issued that the prayer of petitioner for regular bail be considered by the concerned Court in a time bound manner.

8. Learned State counsel has not raised any objection to the said course of action.

9. In view of the above stand taken by the counsel for the petitioner, the instant petition is disposed of with a direction that in case petitioner surrenders before the trial Court within a period of three weeks from today and applies for regular bail, then his prayer for regular bail be

decided expeditiously (if possible), in accordance with law. In the meanwhile, no coercive steps be taken against the petitioner for a period of three weeks from today.

10. It is made clear that in case the petitioner does not surrender before the trial Court within the aforementioned period of 3 weeks from today, then the instant petition shall be deemed to have been dismissed.

11. The petition stands disposed of in abovesaid terms.

27.04.2023

Amandeep

(HARSH BUNGER)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No