

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

**CRM-M No.59051 of 2023**

Decided on:23.11.2023

Jagtar Singh @ Billa

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Avtar Singh Bhatti, Advocate  
for the petitioner.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. The petitioner has approached this Court praying for setting aside the order dated 07.11.2023 (Annexure P-4) passed by the learned Additional Sessions Judge, Hoshiarpur vide which proclamation has been ordered to be issued against the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner herein is facing trial in FIR No.198 dated 24.08.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tanda, District Hoshiarpur and was enlarged on bail. The petitioner was regularly appearing before the learned trial Court, however, on 19.01.2023, he could not appear before the learned trial Court owing to noting down a wrong date. In the aforesaid eventuality, the learned trial Court vide order dated 19.01.2023 had issued non-bailable warrants against the petitioner. Since the said non-bailable warrants remained unexecuted, vide impugned order dated 07.11.2023, proclamation was ordered to be issued against the petitioner. It is further contended that non-appearance of the petitioner before the learned trial Court is neither intentional nor willful and he undertakes to appear each and

every date of hearing. It is also contended that the petitioner has not been declared a proclaimed person/offender.

3. Per contra, Ms. Navreet Kaur Barnala, AAG, Punjab, who appears on advance notice, supports the impugned order passed by the trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately and therefore, having left with no other option, proclamation was issued to secure his presence.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance. With the consent of counsel appearing for the parties, the case is taken up for final disposal.

5. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

6. The petitioner in the present case had failed to put in appearance before the trial Court, as inadvertently he noted down the wrong date. However, the petitioner is ready to join the proceedings and further undertakes to attend court proceedings on each and every date.

7. The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure 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 trial Court on each and every date.

8. In view of the aforesaid facts and circumstances, the impugned order dated 07.11.2023 vide which proclamation was ordered to be issued against the petitioner is set aside. The petitioner is directed to appear before the trial Court on or before 04.12.2023 and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of ₹10,000/- to be deposited with the District Legal Services Authority, Hoshiarpur for wasting precious time of the Court.
9. The instant petition is disposed of in above terms.

(HARPREET SINGH BRAR)  
JUDGE

November 23, 2023  
Pankaj\*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |