

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

CRM-M-5805-2024

Date of decision: 05.02.2024

Saqib Khan @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sahil Goel, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of order dated 22.12.2022 Annexure P-4 passed by the learned trial Court whereby the petitioner was declared proclaimed offender in criminal case having FIR No.90 dated 22.06.2021 under Sections 22, 29 of NDPS Act Police Station Amargarh, Sangrur by the Court of Judge, Special Court, Sangrur.

2. Notice of motion.

3. Mr. J.S. Guru, AAG, Punjab, accepts notice on behalf of the State and submits that earlier the petitioner was granted interim bail by this Court vide order 08.09.2021 Annexure P-3, on the ground that report of FSL was awaited. That thereafter, the report of FSL was received but the petitioner failed to appear before the trial Court and finally he was declared proclaimed offender vide order Annexure P-4 and that there is no illegality in the said order.

4. The counsel appearing on behalf of the petitioner submits that

as per order Annexure P-3 dated 08.09.2021, it was the duty of the Court/prosecution to inform the petitioner about the receipt of FSL. However, the police failed to do the needful, when the report of FSL was received and the said order of interim bail Annexure P-3 was never cancelled by the trial Court or any other Court and thus, the impugned order Annexure P-4 is liable to be set aside being illegal. The counsel for the petitioner further submits that the petitioner is ready to surrender before the trial Court in order to seek regular bail but his bail application may be decided on the same very day.

5. Taking into consideration the facts and circumstances of the case and the fact that previously, the petitioner was granted the interim bail but was not informed about the receipt of FSL, it is appropriate to pass the following order:-

i) The petitioner is directed to surrender before the learned trial Court within next 10 days.

ii) In case the petitioner files an application for grant of regular bail then such application shall be decided on the same day or within 3 days thereof.

6. The present petition is hereby disposed of in aforesaid terms without expressing any opinion on the merits of the case.

7. Pending applications, if any, stand disposed of.

05.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No