



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

**CRM-M-13275-2024 (O&M)
Date of Decision: May 21, 2024**

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Sharma, Advocate for
Mr. Gaurav Datta, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM-19828-2024

This is an application under Section 482 Cr.P.C. to place on record the copies of the zimni orders as passed by the Trial Court as Annexures P-6.

Allowed.

Annexure P-6 is taken on record.

Main case

By way of present petition under Section 482 Cr.P.C., petitioner prays to quash the order dated 06.02.2024 (Annexure P-3) passed by learned Judge, Special Court, Patiala, alongwith consequent proceedings, whereby petitioner was declared as proclaimed person in case FIR No.161 dated 12.09.2022, under Sections 22 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Pasyana, District Patiala.

2. A perusal of Annexure P-6 as placed on record by the petitioner would reveal that he was earlier on bail. Challan was presented in the Court

on 06.03.2023. His consecutive applications for exemption were allowed by the Court on 01.04.2023, then on 26.05.2023 and 04.08.2023 and the matter was adjourned to 02.09.2023. However, on 02.09.2023, petitioner was again absent, forcing the Court to cancel the bail of the petitioner and issue warrants of arrest against him. Warrants of arrest failed to procure the presence of the petitioner, due to which proclamation under Section 82 Cr.P.C. was directed to be issued vide order dated 16.12.2023 for appearance/surrender of the petitioner on 06.02.2024.

3. Learned counsel for the petitioner wants to take benefit that in the order dated 16.12.2023, the date for issuance of the proclamation is mentioned as 05.01.2023 instead of 05.01.2024, which is clearly a clerical mistake. This fact becomes clear from the proclamation notice as produced at page No.12 of the application, in which it is clearly mentioned that accused-petitioner was required to surrender/appear before the Court, pursuant to the proclamation, on 06.02.2024. Petitioner has placed on record copy of the order dated 05.01.2024, which would reveal that on that date, statement of Serving Constable was recorded, whereby he proved that he had published proclamation on 04.01.2024. He proved his report in this regard. Thus, from 04.01.2024 till 06.02.2024, a period of more than 30 days had been provided to the petitioner to appear/surrender before the Court. However, he failed to surrender/appear on or before 06.02.2024.

4. Thus, there is no violation of Section 82 Cr.P.C. No ground is made out to set aside the impugned order.

Dismissed.

At this stage, learned counsel for the petitioner submits that petitioner is ready to surrender before the Court concerned and that 15 days period be provided to him.

Petitioner will be at liberty to surrender before the Court concerned.

May 21, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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