

2024:PHHC:052823

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

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CRM-M-18869-2024

Date of Decision : April 19, 2024

VIJAY KUMAR @ MINTU

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aayush Arora, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the order dated 07.10.2023 (Annexure P-4), whereby, the petitioner has been declared a “Proclaimed Person” in the proceedings emanating from FIR No.93 dated 04.08.2022, under Section 22 of the N.D.P.S. Act, 1985 (Sections 61 & 85 of the N.D.P.S. Act added subsequently), registered at P.S. Bhogpur, Jalandhar.
2. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court concerned was neither intentional nor wilful, rather was *bonafide*, inasmuch as, he was not aware about the date of hearing before the learned trial Court concerned.
3. Though the learned counsel for the petitioner has herein challenged the impugned order (Annexure P-4), however, he could not cite any illegality or perversity therein. Therefore, he seeks leave to withdraw the instant petition, however, with liberty to the petitioner to, within 15 days from today, surrender before the learned trial Court

concerned and to make an application for bail before the latter, which may be directed to be decided expeditiously.

4. Considering the submissions made hereinabove and the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind declaring any person a “Proclaimed Person/Offender” is to secure his presence for facing trial, though this Court does not find any illegality or perversity in the impugned order (Annexure P-4), however, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioner to appear before the learned trial Court concerned.

5. Consequently, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court concerned within 15 days from today. In case, the petitioner appears within the above stipulated period and makes an application for grant of bail, the learned Judge concerned shall make an endeavour to decide the said application most expeditiously, but, after granting adequate opportunity of hearing to the other party. The arrest of the petitioner shall remain stayed only till next 15 days. However, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the protection granted hereinabove qua his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. Disposed of accordingly.

April 19, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No