



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

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CRM-M-23848-2024

Date of Decision.:13.05.2024

Daljeet Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sidhant Bhonsle, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 05.07.2023 (Annexure P-7) passed by learned Judge, Special Court, Ludhiana, whereby proclamation was issued against the petitioner during the proceedings of case FIR No.72 dated 05.11.2020 registered at Police Station City Raikot, Ludhiana under Section 22 of NDPS Act, 1985. Petitioner also prays for setting aside the order dated 30.08.2023 (Annexure P-8), whereby he was declared as a proclaimed person.

2. Learned counsel contends that petitioner had been allowed regular bail by the Court vide order dated 25.11.2020 (Annexure P-2). He was regularly appearing before the Trial Court. However, he could not appear on 23.08.2022, due to which his bail was cancelled and warrants of arrest were directed to be issued against him as per Annexure P-3. Learned counsel contends further that warrants of arrest were never served upon him. Proclamation was then directed to be issued on 05.07.2023, to be effected for 29.07.2023. Learned counsel has then drawn attention towards order dated 30.08.2023 (Annexure P-8) in order to

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contend that though the proclamation was published on 28.07.2023, for 29.07.2023 but on that day period of 30 days had not elapsed and therefore, the matter was adjourned to 30.08.2023 and it is on 30.08.2023 that petitioner was declared proclaimed person.

3. Notice of motion.

4. Mr. Amandeep Singh, DAG, Punjab accepts notice on behalf of respondent- State.

5. As is evident from the trial Court record itself that though the proclamation was directed to be issued for 29.07.2023 but it was actually published on 28.07.2023 and thus, there was time gap of less than 30 days, due to which petitioner could not have been declared proclaimed person on 29.07.2023. The matter was then adjourned to 30.08.2023 but for that day, no proclamation was effected for appearance/surrender. It is thus clear that order dated 30.08.2023 passed by the Trial Court concerned is in gross violation of Section 82 Cr.P.C.

6. The aforesaid contentions being matter of record could not be refuted.

7. As such, the order dated 30.08.2023 declaring the petitioner as proclaimed person is hereby set aside.

8. However, petitioner is directed to surrender before the Trial Court on or before 30.05.2024. Since petitioner had been earlier allowed bail and absented from trial without any intimation so, he clearly breached the conditions of bonds under Section 446 Cr.P.C. On his appearance, the Trial Court will initiate proceedings under Section 446 Cr.P.C. against the petitioner and after disposal thereof, shall admit the petitioner to bail.

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9. It is made clear that till the disposal of proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, petitioner is sought to be arrested on account of warrants of arrest/proclamation order having being issued against him, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

Disposed of.

(DEEPAK GUPTA)
JUDGE

May 13, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No