



CRM-M-34180-2024

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

**CRM-M-34180-2024**

Date of Decision: 24.07.2024

Mukhtiar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ankit Kharbanda, Advocate, for the petitioner.

**Rajesh Bhardwaj, J. (ORAL)**

1. Prayer in the present petition is for quashing of the order dated 20.05.2024 (Annexure P-5) passed by learned Judge Special Court, District Amritsar, vide which the petitioner has been declared as proclaimed offender due to his non-appearance in case No.NDPS/779/2019 titled as State of Punjab vs. Shashi Etc. arising out of FIR No.149 dated 11.07.2018 under Sectionss 353, 186, 323, 506 and 34 IPC and Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chheharta, District Amritsar (Annexure P1).

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He submits that petitioner was arrested and was granted bail by learned Additional Sessions Judge, Amritsar vide order dated 22.10.2018. He submits that thereafter, due to miscommunication with his counsel, he remained absent on 04.01.2024 and on 01.02.2024 thus, his bail was cancelled. He further submits that on 02.02.2024, his brother expired and on account of the same, he remained unaware about the non-bailable warrants issued against him. He submits that without there being any service, the petitioner has been declared proclaimed offender vide order dated 20.05.2024. At the outset, he



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submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that alleged recovery of 260 grams of heroin was effected from the petitioner, however, he was granted bail. It is also apparent that the petitioner remained absent and his bail was cancelled. As stated before this Court due to death of brother of the petitioner, he remained unaware of the non-bailable warrants issued against him and thus, he was declared proclaimed offender vide order dated 20.05.2024. Now the petitioner is ready to appear before the trial Court and join the proceedings. Thus, in these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 20.05.2024 is set aside subject to payment of Rs.25,000/- as cost to be deposited within a period of three days from today with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner.

7. The petitioner is directed to appear before the trial Court on 29.07.2024, the date already fixed before it and produce the receipt of abovesaid cost alongwith appropriate application and the trial Court would grant him bail on his furnishing fresh bail/surety bonds to its satisfaction.

The petitioner will have protection from arrest till 29.07.2024.



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8.           Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 20.05.2024 will come in force.

|                   |                           |   |                          |
|-------------------|---------------------------|---|--------------------------|
| <b>24.07.2024</b> |                           |   | <b>(RAJESH BHARDWAJ)</b> |
| sharmila          |                           |   | <b>JUDGE</b>             |
|                   | Whether Speaking/Reasoned | : | Yes/No                   |
|                   | Whether Reportable        | : | Yes/No                   |