



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

CRM-M-36771-2024

Date of Decision : **01.08.2024**

JASWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raman Kumar, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is made for quashing of order dated 23.05.2024 (Annexure P-3), whereby on account of the absence of the petitioner before the learned trial court concerned, the process of declaring the petitioner as proclaimed offender under Section 82 and 83 of the Cr.P.C. has been initiated, in case FIR No.44, dated 24.03.2024, under Section 379 IPC (Sections 411, 201 and 34 of the IPC added later on), registered at Police Station Shahkot, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that in the instant FIR, petitioner was arrested on 12.05.2021, and was granted the relief of regular bail by the learned trial court concerned, on 08.07.2021.

3. He further submits that the petitioner was regularly appearing before the learned trial court concerned, however, on account

of registration of a subsequent FIR bearing no.241, dated 26.11.2023, under Sections 22 and 29 of the NDPS Act, registered at Police Station Sidhwan Bet, Ludhiana, he was arrested on 28.11.2023 and he remained in custody till 16.01.2024.

4. Learned counsel for the petitioner in order to substantiate his submissions, placed reliance upon Annexure P-4, which is a custody certificate dated 04.06.2024, issued by the Assistant Superintendent, Central Jail, Ludhiana.

5. He further submits that the petitioner has no intention to run away from the clutches of law, rather he was regularly appearing before the learned trial court concerned, and on account of the above mentioned reason, which were beyond the control of the petitioner, he could not cause appearance.

6. He further submits that it was the duty of the jail authority concerned, to produce him before the learned trial court concerned, on the date fixed, however, owing to his non-production, the latter passed the impugned order (*supra*).

7. Be that as it may be, in view of the above, the petitioner is directed to surrender before the learned trial court concerned within 15 days from today.

8. In case the petitioner surrender before the learned trial Court concerned, within a stipulated time and furnish fresh bail and surety bonds, the same shall be accepted by the latter, however, subject to its satisfaction, and the petitioner shall be released on regular bail.

9. In the meanwhile, the arrest of the petitioner shall remain stayed.
10. However, in case, the petitioner fail to appear before the learned trial Court concerned within 15 days from today and furnish bail and surety bonds, the protection granted hereinabove, *qua* their arrest shall *ipso facto* vacated, without any further reference to this Court.
11. **Disposed of accordingly.**

August 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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