



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129 CRM-M-49660-2024
DATE OF DECISION: 03.10.2024

TIRATHPAL SINGH ...PETITIONER
Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Varun Sharma, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, for quashing the proclamation which got effected under section 82 Cr.P.C. vide order dated 27.02.2019 of the Trial Court, Jalandhar (P-4) arising out of FIR- case No. 32 dated 04.02.2018 registered under section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at P.S. Kartarpur District Jalandhar (P-1) along with all consequential proceedings vide which, the Trial court vide order dated 25.03.2019 (P-6) has declared petitioner as proclaimed person.

Learned counsel for the petitioner submits the petitioner could not appear in Court as he was a patient of substance abuse therefore, was getting treatment in rehabilitation centre but has not been rehabilitated completely. Since the petitioner as per report dated 04.08.2024 has started showing improvement and was taken back to the family and was got apprised about the proceedings in the Trial Court.

He further submits that the petitioner did not had any intention to avoid



attendance in the Court proceedings. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of ten days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Employee Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that



eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

Consequently, the impugned orders dated 27.02.2019 and 25.03.2019, Annexure P-4 and P-6, respectively are hereby quashed and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

03.10.2024

anuradha

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