

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

329

CRM-M-52747-2023 (O&M)
Date of Decision:- 25.07.2024

SHAHEEN PARVEZ

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. G.S. Sidhu, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 15.07.2023 (Annexure P-3) passed by the Court of learned Judge, Special Court, Sangrur, whereby the petitioner was declared as proclaimed offender in case FIR No.89 dated 31.07.2018 registered under Sections 22 and 29 of the NDPS Act at Police Station City II, Malerkotla, District Malerkotla.
2. Learned counsel for the petitioner has submitted that in compliance to the order dated 18.10.2023 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 23.10.2023, whereby the petitioner has been admitted on interim bail by the learned trial Court.
3. Learned State counsel has not disputed the aforesaid factum.



4. Heard.

5. During the course of proceedings on 18.10.2023, the following order was passed.

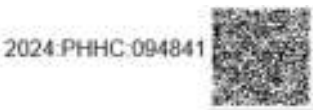
“2. It is inter alia contended by learned counsel for the petitioner that the petitioner after having been nominated in the aforesaid FIR (Annexure P-1), was granted the concession of bail vide order dated 24.08.2018 (Annexure P-2) by the Additional Sessions Judge, Sangrur. He submits that the petitioner after 2018 had been regularly appearing in the Trial Court, but on 30.01.2023, he could not appear in Court nor his counsel could appear due to the fact that they have noted the wrong date and this led the learned Trial Court to cancel the bail bonds and issue non-bailable warrants of arrest qua the petitioner and subsequently, the issuance of proclamation on the basis of which the impugned order has been passed. He further submits that petitioner had been regularly appearing during all this period. He submits that the impugned order has been passed without following the procedure as laid down under Section 82 of Cr.P.C and has referred to the report dated 14.06.2023 given by the Executing Official (Annexure P-5), wherein there is no mention as regards the compliance of the provisions contained in Section 82(2)(i)(a) of Cr.P.C. He submits that if the petitioner is granted the concession of bail, he would regularly appear on each and every date without any failure.

3. Notice of motion.

4. On the asking of the Court, Mr. Anmol Singh Sandhu, AAG., Punjab, who is present in Court accepts notice on behalf of the respondent/State.

5. List on 16.11.2023.

6. In the meantime, the petitioner is directed appear before the Trial Court/Duty Magistrate within 07 days from today and in the event of the arrest of the petitioner, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned subject to compliance of the provisions of Section 438(2) Cr.P.C. Additionally, the petitioner will also furnish a specific undertaking before the Court that in future he would regularly appear on each and every date of hearing without any failure and only in case of extreme exigency he will seek exemption from his appearance by moving an



application in accordance with law.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 18.10.2023, passed by this Court, the present petition is allowed. The order dated 15.07.2023 (Annexure P-3) passed by the Court of learned Judge, Special Court, Sangrur is set aside and the interim bail granted vide order dated 18.10.2023 is hereby confirmed.
7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

25.07.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |