



136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55165-2024

Date of decision : 07.11.2024

Rohit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Balbir Singh Jaswal, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 20.01.2024 (Annexure P-13) passed by learned Trial Court, whereby the petitioner was declared a proclaimed person in FIR No.36 dated 09.02.2021 under Section 27 of NDPS Act, registered at Police Station Sadar, District Amritsar and further the petitioner be admitted to bail in the event of his appearance before the Id. Trial Court.

2. It has been contended by counsel for the petitioner that the challan in the present case was presented in the Court in the absence of the petitioner and the learned trial Court issued bailable warrants and then non-bailable warrants against the petitioner and ultimately issued proclamation under Section 82 Cr.P.C. vide order dated 26.10.2023. He has further submitted that the petitioner was never served as no police official ever came to him, so, he was unaware about the pendency of the present case and only came to know when he was already declared as proclaimed person as this fact was told to him by the Sarpanch who was told about this by a police official. He has further submitted that the petition for anticipatory bail moved by the petitioner was dismissed on 29.08.2024. He has further submitted that there is nothing on record to show that the petitioner ever refused to accept the notice of the Court or



remained away from the Court intentionally. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 20.01.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the reason given by the petitioner is non service of notice of the Court. The petitioner has alleged that he was unaware about the proceedings since beginning as the challan was presented in his absence but now he is keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that the petitioner was never served with the notice or warrants issued by the Court, this Court dispose of the present petition and the impugned orders dated 20.01.2024 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the 'Punjab and Haryana High Court Bar Association' by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 20.01.2024 would come in force and the present petition shall be deemed to have been dismissed.

07.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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