



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

CRM-M-58643-2024
Date of decision: 25.11.2024

Gurpartap Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sidhant Vermani, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS seeking quashing of impugned order dated 25.10.2024 passed by the Court of Sub Divisional Judicial Magistrate, Baba Bakala Sahib (Amritsar) vide which, the petitioner was declared proclaimed person in a criminal case having FIR No.155 dated 07.09.2023, under Section 21/22 of NDPS Act, Police Station Beas, District Amritsar.

2. The counsel for the petitioner submits that the petitioner was not named in the FIR and later on falsely implicated in the present case by the police and never received any summons or warrants regarding pendency of the aforesaid criminal case. It is further submitted that the impugned order was not passed in accordance with the statutory provision of Section 82 Cr.P.C which are mandatory in nature.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that the impugned order Annexure P-1 was passed, as per the provisions of Section 82 Cr.P.C. and there is no illegality or perversity in the impugned order.

5. I have considered the submissions made by counsel for the



parties and one through the documents attached with the present petition.

6. From the perusal of Annexure P-3, it appears that on the police request, the Court concerned issued warrants of arrest of the petitioner for 11.09.2024 vide order dated 31.08.2024. On the next date i.e. 11.09.2024, warrants of arrest of the petitioner were received back un-executed and on this, the Court concerned issued proclamation of the petitioner for 25.10.2024. In this case, the Court concerned did not record his satisfaction to the effect that in view of the material on record, there was reasonable ground to believe that the petitioner was absconding or concealing himself, so that warrants of arrest issued against him could not be executed. Further, from the perusal of the report dated 17.09.2024 submitted by the serving constable, it is apparent that the proclamation was not publicly read in some conspicuous place of the town or village of the petitioner, as per the mandate of Section 82(2)(i)(a) Cr.P.C. Thus, it is evident that impugned order Annexure P-1 was not passed in accordance with the settled position of law as was detailed in *Sonu Vs. State of Haryana 2021 (1) RCR (Criminal) 319*.

7. Consequently, the present petition is allowed and impugned order dated 25.10.2024 Annexure P-1 is set aside.

25.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**