

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

CRM-M-63922-2023 (O&M)

Date of decision : 25.04.2024

AJIDUR RAHAMAN @ LAL BABU AND ANR.

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. impugning the order dated 20th of December, 2021 (Annexure P-9) passed by Judge Special Court, Barnala declaring the petitioners as Proclaimed Offenders.

2. The petitioners were booked in case FIR No.61 of 2018 dated 25th of May, 2018 registered for the offences punishable under Sections 18, 25, 26 of (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dhanaula, District Barnala. The petitioners were released on regular bail by this Court vide order dated 10th of December, 2018 and that dated 29th of November, 2018 in CRM-M No.53483 of 2018 and CRM-M No.40745 of 2018 respectively. It is claimed that the petitioners were regularly appearing before the Trial Court till March, 2020 when Covid-19 Pandemic set in. The hearing in the Courts was restricted and the petitioners were not required to appear. The

petitioners having lost the track of the case could not appear from the year 2021 onwards and were declared proclaimed offenders vide impugned order.

3. Ld. Counsel for the petitioners claims that it was on account of Covid-19 that the petitioners lost track of the proceedings and all proceedings effectuated under Section 82 of the Code preceding the impugned order, were at the back of the petitioners. However, he could not deny that even after passing of the impugned order dated 20th of December, 2021 it took almost two years for the petitioners to approach this Court. He however submits that the petitioners undertake to appear before the Trial Court regularly.

4. Keeping in view the conduct of the petitioners and the fact that restricted hearing owing to Covid-19 Pandemic also has a part to play in the circumstances which led to passing of the impugned order, equities can be balanced by directing the petitioners to surrender before the Trial Court on or before **10th of May, 2024** and file an application seeking admission on bail.

5. In case, the petitioners appear and pray for admission to bail, this Court is sanguine that the Trial Court shall decide such bail plea expeditiously preferably with a period of 7 days in accordance with law.

6. Accordingly, the present petition is disposed off.

April 25, 2024
Dpr

(Pankaj Jain)
Judge

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