

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-64287-2023
Date of Decision: 25.01.2024
2024: PHHC: 011008

BALJINDER SINGH

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. B.S. Aulakh, Advocate, for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing the order dated 16.03.2017 (Annexure P3), whereby petitioner was declared proclaimed offender during proceedings of NDPS case No.57 of 2016 arising out of FIR No.410 dated 13.08.2016 under Section 15 of the Narcotics Drugs and Psychotropic Substances Act (Act N: 61 of 1985){for short 'the NDPS Act'} registered at Police Station Shahabad, Kurukshetra.

2. As directed by this Court, counsel for the petitioner has placed on record copies of the orders right from the stage, when petitioner was allowed bail till he was declared proclaimed offender.

3. It is revealed that after filing of the challan, copies of challan were supplied to the petitioner on 07.10.2016. Petitioner was released on interim bail vide an order dated 04.01.2017 for a period of two days with the direction to surrender on 07.01.2017. However, he did not surrender before

the Court on 07.01.2017 and therefore, vide an order dated 10.01.2017 of Id. Special Judge, NDPS Act, Kurukshetra, the bail granted to the petitioner was cancelled and his surety bonds were forfeited. Warrants of arrest issued were against him several times but it failed to procure his presence and ultimately, proclamation under Section 82 CrPC was issued and then he was declared proclaimed offender vide order dated 16.03.2017.

4. Ld. counsel contends that co-accused Janabe Alam @ Irfan Khan has already been acquitted by the Court vide judgment dated 27.03.2021 (Annexure P2); that petitioner is ready to surrender before the trial Court concerned and that he be provided necessary protection.

5. Ld. State counsel has strongly opposed the prayer made by the petitioner by pointing out towards the conduct of the petitioner.

6. As has been noticed earlier, petitioner was allowed interim bail for two days. He misused the said concession. His bail was cancelled. He did not surrender either on the expiry of his interim bail period or thereafter and ultimately, he was to be declared as proclaimed offender. Simply because his co-accused has been acquitted, cannot be a ground to set aside the impugned order, whereby the petitioner was declared as proclaimed offender.

No ground. Dismissed.

25.01.2024

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No