



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

CRM-M-1643-2025
Date of decision: 16.01.2025

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashok Giri, 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 (Annexure P-4) 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 he 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. Arjun Lakhanpal, Addl. A.G. Haryana, accepts notice on behalf of the State and submits that the impugned order Annexure P-4 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 gone through the documents attached with the present petition.

6. From the perusal of order dated 25.11.2024 Annexure P-5 passed by this Court in CRM-M-58643-2024, it appears that similarly situated co-accused Gurpartap Singh filed the aforesaid petition seeking cancellation of the impugned order dated 25.04.2024 (Annexure P-4) whereby the present petitioner and co-accused Gurpartap Singh were declared proclaimed persons by the Court concerned. The aforesaid petition was allowed and impugned order dated 25.10.2024 was set aside against co-accused Gurpartap Singh on the ground that the proclamation proceedings were carried out by the Court concerned in breach of the mandatory provisions of Section 82 Cr.P.C.

7. The State counsel has not disputed the fact that the case of the present petitioner is also similar to that of Gurpartap Singh as both of them were declared as proclaimed persons vide impugned order dated 25.10.2024.

8. Consequently, the present petition is allowed in the terms of order Annexure P-5 and impugned order dated 25.10.2024 Annexure P-4 is set aside qua the present petitioner.

16.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

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

**Yes/No
Yes/No**