



CRM-M-11000-2025

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

CRM-M-11000-2025

Date of Decision: 27.02.2025

Bahvit Sharma

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Soi, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 04.01.2025 (Annexure P-4) passed by learned Special Court, Ludhiana declaring the petitioner as proclaimed offender in FIR No.169 dated 04.10.2022, under Sections 21, 29, 61, 85 of NDPS Act, (Sections 419, 177 IPC added lateron), registered at Police Station City-2 Khanna, District Khanna.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was granted regular bail by learned trial Court vide order dated 04.11.2022 and thereafter, he was regularly appearing before it. He submits that the petitioner could not appear before the trial Court and he was declared as proclaimed offender vide order dated 04.01.2025 in violation of the mandatory provisions Section 82 Cr.P.C. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and as such the order 04.01.2025 be set aside and he be allowed to be released during the pendency of the trial of the above said case.



3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 04.01.2025. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear before the Court concerned to face the trial in the present case as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 04.01.2025 is set aside subject to payment of Rs.10,000/- as costs to be paid to Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh by the petitioner within a period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with

the abovesaid direction, this order would be of no avail to him and the order dated 04.01.2025 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

27.02.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No