



CRM-M-17658-2025

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

CRM-M-17658-2025

Date of Decision: 02.04.2025

Gurpreet Singh @ Gora

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep Singh Sidhu, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.11.2024 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Fazilka in FIR No.33 dated 16.09.2023 under Section 21(c)/25 of NDPS Act (Sections 27 and 29 of NDPS Act added lateron) registered at Police Station SSOC, Fazilka, District Fazilka, whereby, the petitioner has been declared as proclaimed person.

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 nominated in the present FIR on the basis of the disclosure statement of the co-accused and thereafter, he approached the trial Court as well as before this Court for grant of anticipatory bail, however, his prayer made for the grant of anticipatory bail was rejected. Thereafter, he approached Hon'ble Supreme Court for the grant of anticipatory bail, however, during the pendency of the same, he was declared as proclaimed offender in the present case in violation of the mandatory provisions of law under 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 06.11.2024 be set aside.

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 06.11.2024. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him 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 06.11.2024 is set aside subject to payment of Rs.25,000/- as costs to be paid by the petitioner to the **Punjab and Haryana High Court Employees Welfare Association** 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.25,000/- 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 06.11.2024 will come in force and the present petition shall be deemed to have been dismissed.
8. Petition stands disposed of in abovesaid terms.

02.04.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No