



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

**CRM-M-20894-2025
Date of decision: 07.05.2025**

SUKHDEV SINGH DHALIWAL **....PETITIONER**

Versus

STATE OF PUNJAB AND ANOTHER **....RESPONDENT**

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Anmol Jeevan S. Gill, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned order dated 30.04.2015 (Annexure P-3) passed by the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, vide which the petitioner was declared proclaimed offender in the complaint No.4725 dated 16.07.2011 under Section 18 (a) (i) read with Section 17, 17-A and 17-B punishable under Sections 27 (b) (i), 27 (c) and 27 (d) and Section 18 (c) punishable under Section 28 of the Drugs and Cosmetics Act, 1940 (Annexure P-1).

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 22.04.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds.

3. As per report of trial Court, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. The petitioner has also deposited costs of Rs. 1,00,000/- in compliance of the order dated 22.04.2025.



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4. This aspect is not disputed by learned State counsel.
5. During the course of hearing on 22.04.2025 following order was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent but had been falsely implicated in the complaint case No. 399 (COMA No.4725 of 2013), the petitioner never received any summon or proclamation in the said case to appear before the learned Magistrate, however the petitioner has wrongly been declared as proclaimed offender vide impugned order dated 30.04.2015 (Annexure P-3) without following the due procedure laid down under Section 82 Cr.P.C. and moreover, there was no proclamation ever issued by the learned trial Court requiring the presence of petitioner for 30.04.2015. Hence, prayed for quashing of the impugned order by submitting that the petitioner is ready to face the trial. She further submits that the similarly placed co-accused Ranjit Singh has already been granted concession of bail vide order dated 21.02.2025 (Annexure P-5) passed in CRM-M-13981-2024. Hence, the present petition.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix of the case. He has also not disputed the fact that the case of the petitioner is at par with co-accused Ranjit Singh, who has been granted concession of bail vide Annexure P-5.

5. Be it the case, without commenting on the merits of the case at this stage, the petitioner is hereby directed to to



appear before the learned Trial Court/Judge on duty within ten days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.

6. *The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.*

7. *The petitioner is directed to deposit cost of Rs.1,00,000/- (Rs.50,000/- to be deposited by the petitioner in the Poor Patients Welfare Fund, PGIMER, Chandigarh, and further Rs. 50,000/- in the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund, Account No. 41564846387, Bank Name-SBI High Court Branch), which shall be a condition precedent for his admission to interim bail.*

8. *List on 07.05.2025.*

9. *In the meanwhile, operation of the impugned order dated 30.04.2015 (Annexure P-3) shall remain stayed till next date of hearing.”*

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 22.04.2025, passed by this Court, the present petition is allowed. The order dated 30.04.2015 (Annexure P-3) passed by the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, stands



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quashed and the interim bail granted vide order dated 22.04.2025 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

07.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |