



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265

CRM-M-27017-2024 (O & M)

Date of decision: 25.09.2025

SUNNY KHAJURIA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed for quashing of order dated 29.04.2024 (Annexure P-3) vide which he has been declared a proclaimed offender in case FIR No.88 dated 28.06.2021 under Sections 21 and 29 (added later on) of the NDPS Act, 1985 registered at Police Station Sadar Pathankot and all consequential proceedings arising therefrom.

2. This Court, on 03.07.2024 while issuing notice of motion has recorded the submissions of learned counsel that “the petitioner was extended the concession of anticipatory bail by this Court in CRM-M-28772-2022 on 06.09.2022, however, strangely after being admitted to anticipatory bail, the petitioner was erroneously declared a proclaimed offender by the learned Trial Court vide order dated 29.04.2024 (Annexure P-3).”

3. Learned State counsel refers to paras 9 to 11 of the short affidavit of the Deputy Superintendent of Police, Sub Division Rural, District Pathankot, which read thus:

“9. That in regard to the observation of this Hon'ble Court, the inquiry was got conducted through Station House Officer, Police Station Sadar Pathankot, who in his report stated that the accused Sunny Khajuria was released by SI Vijay Kumar No.1254/Gurdaspur on 03.08.2022 after making him join the investigation, but he did not get the arrest warrants of the accused cancel from the Ld. Court even after joining him in the investigation.

That upon which the proclamation of the accused was issued by the Ld. Court and he was declared Proclaimed Offender by the Ld. Court vide order dated 29.04.2024. That by not informing the Ld. Court in regard to the joining of investigation by the present petitioner on 03.08.2022 and further by not getting his arrest warrant cancelled, SI Vijay Kumar No. 1254/Gurdaspur has shown negligence, lackadaisical attitude and carelessness towards his official duty, thus, it was recommended that departmental inquiry be initiated against him.

10. That agreeing with the abovesaid report of the Station House Officer, Police Station Sadar Pathankot, deponent submitted his report through No. 1161-Reader/DSP(Rural) Pathankot dated 23.08.2024, the same was approved by the Senior Superintendent of Police, District Pathankot and departmental inquiry has been initiated against SI Vijay Kumar No. 1254/Gurdaspur through Order No. 1902-07/steno dated 27.08.2024.

That the departmental inquiry is being conducted by Sh. Mangal Singh PPS, DSP/D Pathankot and the same will be concluded without any delay in accordance with law.

11. That it is submitted that from the perusal of record as well as on the basis of the report of the Station House Officer, Police Station Sadar Pathankot, it has been found that due to the negligence of SI Vijay Kumar No. 1254/Gurdaspur the present petitioner was declared PO by the Ld. Court below. This Case is under Investigation.”

4. In view of the above, the order dated 29.04.2024 (Annexure P-3) is set aside.

25.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No