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

**CRM-M No.27733 of 2025  
Date of decision : 20.05.2025**

**Harmail Singh @ Mela**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Ms. Bhupinder K. Bhangu, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for quashing/setting aside the impugned order dated 16.08.2023 (Annexure P-4) passed by the Court of learned Judge, Special Court, Kapurthala in case bearing NDPS-297-2022 titled as ‘State of Punjab vs. Harmail Singh @ Mela etc.’ in FIR No.0149, dated 09.07.2022, under Sections 22/61/85 of NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala qua the petitioner, wherein bail bonds and surety bonds of the petitioner has been cancelled and forfeited and non-bailable warrants of arrest has been issued against the petitioner. Further prayer has been made for quashing/setting aside the order dated 29.04.2025 (Annexure P-6) whereby the learned Judge, Special Court, Kapurthala ordered to serve the petitioner through proclamation under Section 82 of Cr.P.C./84 of BNSS and further for



staying the operation of impugned order dated 16.08.2023 (Annexure P-4) and order 29.04.2025 (Annexure P-6) and arrest of the petitioner during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the case bearing FIR No.0149, dated 09.07.2022, under Sections 22/61/85 of NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala. She has submitted that the petitioner has been falsely implicated in the present FIR as he has not committed any such offence as alleged. After registration of the FIR, the petitioner was granted the concession of interim bail by the learned trial Court vide order dated 05.09.2022 subject to report of FSL. She has submitted that the petitioner was under the impression that after presentation of the challan, notice would be issued to him and due to this miscommunication, the petitioner stopped appearing before the learned trial Court. She has submitted that challan in the present case was presented on 21.10.2022 and thus the case was adjourned to 07.01.2023 and thereafter for 28.04.2023. She has submitted that the learned trial Court, on considering that the notice is duly served to the petitioner, cancelled the bail orders of the petitioner. Bail bonds and surety bonds of the petitioner were also cancelled and forfeited to the State vide order dated 16.08.2023 and the petitioner was ordered to be summoned through non bailable warrants of arrest for 12.01.2024. She has submitted that thereafter vide order dated 29.04.2025, due to the continuous absence of the petitioner, proclamation under Section 82 Cr.P.C./84 BNSS against the petitioner was issued for 27.05.2025. She has submitted that absence of



the petitioner was *bona fide* and not intentional and he never misused the concession of bail granted to him. She has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the proclamation was rightly issued against the petitioner and he was liable to be prosecuted in the said case, as he failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case FIR No.0149, dated 09.07.2022, under Sections 22/61/85 of NDPS Act in which proclamation under Section 82 Cr.P.C./84 BNSS was issued against the petitioner due to his absence. He has submitted that there was miscommunication with his counsel and thus due to non appearance, his bail was cancelled, bail/surety bonds were forfeited to the State and non Bailable warrants were also issued against the petitioner. Thereafter proclamation under Section 82 Cr.P.C./84 BNSS was also issued against the petitioner. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned orders dated 16.08.2023 (Annexure P-4) and 29.04.2025 (Annexure P-6) are hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh by the petitioner within one week from today.



In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. The petitioner will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 16.08.2023 and 29.04.2025 would come in force and the present petition would be deemed to have been dismissed.

20.05.2025  
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(RAJESH BHARDWAJ)  
JUDGE

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