



CRM-M-42177-2023

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231

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

CRM-M-42177-2023

Date of decision : 05.04.2025

Mukesh Kumar**.....Petitioner****versus****State of Haryana and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Shish Pal Laler, Advocate with
Mr. Shubham Saroha, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.580 dated 30.10.2020 under Section 15, 20 and 29 of NDPS Act, registered at Police Station Thanesar Sadar, Kurukshetra qua the petitioner and also quash the impugned order dated 05.10.2021 passed by Ld. Additional Chief Judicial Magistrate, Kurukshetra, declaring the petitioner as proclaimed person and to direct the respondents to conduct NARCO test of the petitioner and respondent No.4. Further prayer has been made for staying the operation of the order dated 05.10.2021.

2. The case of the petitioner in brief is that he was working as a Reporter in Khabar Fast TV Channel since 2017 and was also working as a News Reporter regarding which he was issued identity cards dated 31.12.2018, 31.12.2019 and 31.12.2020. It is further mentioned in the petition that the petitioner was reporting true facts and was performing his



duties by reporting misdeeds of Kurukshetra Police. In the month of October, 2020, he reported a matter of gambling in a famous Hotel in Mohan Nagar Kurukshetra, from where 12 gamblers were caught red handed and an amount of more than Rs.2.75 lacs were also recovered. The petitioner got the said matter published in Dainik Bhasker newspaper. The petitioner was reporting social evils for District Kurukshetra which notified the annoyance of Mr. Devi Lal, Sub Inspector of Police and his friends. He also reported the matter regarding arrest of lady ASI By Rajasthan Police. The petitioner attended the press conference dated 30.10.2020 organized in the afternoon by S.P. Kurukshetra. The petitioner also reported the suicidal incident of a boy on 11.01.2020 in Hotel Heritage Red Road Kurukshetra. The petitioner, despite receiving the threats from police officials, reported the matter truly. The police officials being annoyed with his acts dragged the petitioner in FIR No.580 dated 30.10.2020 under Sections 15, 20 and 29 of NDPS Act, and ultimately declared him as Proclaimed person vide order dated 05.10.2021 passed by the Learned Additional Chief Judicial Magistrate, Kurukshetra.

3. Learned counsel for the petitioner has submitted that he does not press the first prayer made in the petition with regard to quashing of FIR No. 580 dated 30.10.2020 registered under Sections 15, 20 and 29 of NDPS Act, and the present petition *qua* the said prayer be dismissed as nor pressed. Order accordingly.

4. He further submits that the present petition survives with regard to challenge to the order dated 05.10.2021 passed the learned Additional Chief Judicial Magistrate, Kurukshetra vide which the petitioner was declared a proclaimed person. He submits that petitioner was working as a Reporter in Khabar Fast TV Channel since 2017 and



was also working as a News Reporter. He further stated that the petitioner was reporting true facts and was performing his duties by reporting misdeeds of Kurukshetra Police. He submits that the petitioner reported a matter of gambling in a famous Hotel in Mohan Nagar Kurukshetra. The petitioner got the said matter published in Dainik Bhasker newspaper. The petitioner was reporting social evils for District Kurukshetra which notified the annoyance of Police official and his friends. The petitioner despite the threats from police officials, reported the matter truly. The police officials being annoyed with his acts dragged the petitioner in FIR No.580 dated 30.10.2020 under Sections 15, 20 and 29 of NDPS Act, and ultimately was declared as Proclaimed person vide order dated 05.10.2021 passed by the Learned Additional Chief Judicial Magistrate, Kurukshetra. He submits that the petitioner was declared a proclaimed person without complying the mandatory provisions of Section 82 Cr.P.C. He further stated that co-accused of the petitioner, namely, Rajesh and Rinku have already been enlarged on bail by this Court vide orders dated 15.05.2023 and 29.05.2023 passed in CRM-M-23405-2023 and CRM-M-10861-2023, respectively. He further stated that the petitioner is ready to appear before the trial Court and face the trial and as such order declaring him as proclaimed person be set aside.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person vide order dated 05.10.2021, when the petitioner failed to appear before the trial Court/investigating agency.

6. Keeping in view the above facts and circumstances, it is clear that the petitioner could not join the proceedings in the present case



allegedly because of his ignorance/unawareness but now the petitioner is ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, when the petitioner is ready to face the trial, he is directed to appear before the concerned trial Court within a period of 10 days from today and files an application for bail, which will be decided by the learned trial Court expeditiously as per law. The order dated 05.10.2021 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited in the **‘Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’** by the petitioner in one week from today. The arrest of the petitioner shall remain stayed in the present case for a period of 15 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, the present petition shall be deemed to have been dismissed and order under challenge dated 05.10.2021 would automatically come in force.

8. Present petition stands disposed of accordingly.

05.04.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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