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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-38089-2025
Date of Decision: 21.07.2025**

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Amitoj Singh Dhaliwal, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 22.09.2023 (Annexure P-5) passed by the Court of learned Ld. Judge, Special Court, Ludhiana whereby the petitioner has been declared as proclaimed offender in case bearing FIR No.81 dated 25.05.2019 (Annexure P-1) under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dugri, District Police Commissionerate, Ludhiana.

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in the above mentioned FIR. He has further submitted that the petitioner was granted the regular bail and he was directed to join the investigation, however the petitioner duly joined the investigation. He has submitted that the petitioner was not aware about the impugned order. He has submitted that non-bailable warrants of arrest were issued against the petitioner vide order dated 06.09.2022 (Annexure P-4). He has submitted that proclamation proceedings under Section 82 Cr.P.C./Section 84 of BNSS were

initiated against the petitioner and thus, vide order dated 22.09.2023 the petitioner was declared as proclaimed offender. He has further submitted that due to noting down of wrong date inadvertently, the petitioner could not attend the Court on that date. He has submitted that the petitioner was not aware about the impugned order dated 22.09.2023 (Annexure P-5). He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. J.S. Arora, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He 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 offender, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.81 dated 25.05.2019 (Annexure P-1) under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dugri, District Police Commissionerate, Ludhiana. The petitioner was granted the interim protection in the present case, however he was not aware about the proclamation proceedings and thus, due to absence of the petitioner, he was declared as proclaimed offender. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So, keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 22.09.2023 (Annexure P-5) declaring the petitioner as proclaimed offender is set aside subject to payment of Rs.10,000/- as costs to

be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. The petitioner is directed to appear before the trial Court within a period of 10 days from today and files appropriate application along with receipt of deposit of above-said costs then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he have no benefit of this order and the order 22.09.2023 (Annexure P-5) would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

21.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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