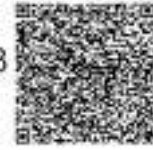


2025:PHHC:172983



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

127

CRM-M-52583-2024 (O&M)

Date of decision: 11.12.2025

Harjit Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Surinder Garg, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No. 213 dated 03.10.2017, registered under Sections 21, 22 and 29 of the NDPS Act, 1985 at Police Station Baghapurana, District Moga along with all the subsequent proceedings having emanated therefrom including order dated 06.09.2023 (Annexure P-6), whereby he had been declared a proclaimed offender.

2. At the very outset, learned counsel for the petitioner has restricted his arguments only to the extent of quashing the order dated 06.09.2023, declaring him a proclaimed offender.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in the aforementioned case. The petitioner was granted concession of regular bail by the learned trial Court, vide order dated 22.12.2017 and was regularly appearing before the Court. However, in May, 2023, he had gone to Canada without seeking any prior permission of the

2025 PHHC 172983



Court and on that ground his bail was cancelled on 11.05.2023 and non-bailable warrants were issued against him. Ultimately, proclamation proceedings were initiated against him, which culminated into his declaration as a proclaimed offender, vide impugned order dated 06.09.2023. It is further argued that the petitioner could not appear before the Court as he was never served with any notice/warrants issued by the learned trial Court at his ordinary place of residence. More so, the petitioner had been declared a proclaimed offender without following the proper procedure prescribed under Section 82 of Cr.P.C. Two of the co-accused have already been acquitted by the learned trial Court. The petitioner is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Senior DAG, Punjab, who has advance notice of the petition and is ready to argue the matter, has submitted that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed offender as he was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. as against the petitioner till the date of declaring him a proclaimed offender, this Court is of the considered opinion that the impugned order dated 06.09.2023 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

2025.PHHC.172983



8. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on 14.07.2023, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 31.08.2023. The proclamation was received executed on 31.08.2023 but the case was adjourned to 06.09.2023 for appearance of the serving police official and for the purpose of recording of his statement. Thereafter, on 06.09.2023, the petitioner was declared a proclaimed offender by observing that he failed to appear before the Court. A perusal of the record reveals that no doubt the petitioner had gone abroad without seeking any prior permission of the Court but at the same time, it is also worth noticing that it was well within the knowledge of the learned trial Court that he had moved abroad but no efforts whatsoever were made by the Court concerned to know about the address of the petitioner in abroad, where the process could be sent to her. No letter to Ministry of External Affairs qua service of notice/warrants/proclamation against the petitioner is shown to have been written by the trial Court. As such, it can reasonably be presumed that the process never reached the petitioner and hence, he had no occasion to conceal himself. As such, the action of the trial Court by switching to the proclamation proceedings under Section 82 Cr.P.C. can itself be stated to be bad in the eyes of law. Reliance in this context can be placed upon *Manjit Kaur vs. State of Punjab : 2013 SCC Online (P&H) 8663*.

9. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authority, the present petition is *partly* allowed and the impugned order dated 06.09.2023 (Annexure

2025.PHHC.172983



P-6, whereby the petitioner had been declared a proclaimed offender, is quashed with all consequential proceedings arising therefrom.

10. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial qua him, he is directed to surrender before the learned trial Court within a period of one month from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

11. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

12. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

13. The petitioner is granted liberty to file a fresh petition seeking quashing of the FIR, if so advised.

11.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No