



CRM-M-72315-2025

-1-

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

CRM-M-72315-2025

Date of decision: 22.12.2025

GAURAV @ GAURAV SABHARWAL**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned orders dated 23.10.2025 and 10.11.2025 (Annexures P-4 and P-5) passed by the learned Judge, Special Court, Hoshiarpur along with all proceedings consequent there to, whereby the petitioner has been summoned through non-bailable warrants and order dated 27.11.2025 passed by the learned Judge, Special Court, Hoshiarpur, whereby the petitioner has been declared proclaimed person under Section 84 of BNSS, in case bearing FIR No.25 dated 25.03.2025, under Sections 22 and 29 of NDPS Act, registered at Police Station Grahdiwala, District Hoshiarpur.

2. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in a case bearing FIR No.25 dated 25.03.2025, under Sections 22 and 29 of NDPS Act. He has submitted that the petitioner could not arrange the requisite sureties and bail bonds in time and therefore, he could not appear on 23.10.2025 and 10.11.2025 and due to his non-appearance, non-bailable warrants as well as proclamation proceedings were issued against the petitioner vide order dated 27.11.2025. He has further submitted that petitioner is



CRM-M-72315-2025

-2-

unsustainable in the eyes of law, deserve to be set aside.

3. Notice of motion.

4. On asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. She has opposed the submissions made by learned counsel for the petitioner.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a case bearing FIR No.25 dated 25.03.2025, under Sections 22 and 29 of NDPS Act, registered at Police Station Grahdiwala, District Hoshiarpur. However, the petitioner remained absent as he could not arrange the requisite sureties and bail bonds in time and therefore, proclamation proceedings under Section 82 of Cr.P.C. (84 of BNSS) have been initiated against him. 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 orders dated 23.10.2025, 10.11.2025 and 27.11.2025 are, hereby *set aside* subject to payment of costs of Rs.10,000/- (**Rs.10,000/- to be paid to the High Court Employees' Welfare Association, Chandigarh**) within a period of 10 days from today. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of certified copy of this order and files appropriate application along with the 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 the date of certified copy of this order.



CRM-M-72315-2025

-3-

abovesaid direction within the stipulated period, then he would not get benefit of this order and the orders dated 23.10.2025, 10.11.2025 and 27.11.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

22.12.2025
renubala

(RAJESH BHARDWAJ)
JUDGE

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