

2026:PHHC:041865



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

157 (2-CASES)

**CRM-M-11313-2026 &
CRM-M-39801-2024**

Date of Decision: 17.03.2026

KARULAL PATIDAR

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Lupil Gupta, Mr. Varun Singla, Mr. Robin Singh and
Mr. J.S. Sidhu, Advocates for the petitioner(s).

Mr. Rakesh Kumar Jangra, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

Both the abovementioned petitions are being decided by this common order since they have arisen out of the same FIR.

2. The petition bearing No.CRM-M-11313 of 2026 has been filed under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in FIR No.249 dated 12.12.2023 under Sections 15 and 25 of the NDPS Act, Section 473 of IPC and Section 25 of the Arms Act (Section 29 of the NDPS Act added later on) registered at Police Station Sidhwan Bet, District Ludhiana; and the second petition bearing No.39801-2024 has been filed under Section 528 of BNSS, 2023 seeking quashing of order date 06.07.2024 passed by the then Judicial Magistrate Ist Class, Jagraon whereby the petitioner has been declared as 'proclaimed absconder' in the abovementioned FIR alongwith all consequential proceeding arising out of the said order.

2. The case of the prosecution is that the abovesaid FIR was registered against co-accused namely Harjinder Singh and two other persons on the basis of secret information to the effect that the said Harjinder Singh was indulged in the smuggling of huge quantity of poppy husk. Further, on the basis of disclosure statement made by said Harjinder Singh, the petitioner herein was nominated as an accused in the present case. However, the petitioner could not be arrested by the police and later on was declared as 'proclaimed absconder' vide impugned order dated 06.07.2024.

3. Learned Counsel for the petitioner contends that the mandatory provisions of Section 82 of the Cr.P.C. were not followed by the Court while declaring the petitioner as 'proclaimed absconder' as the petitioner was residing in Madhya Pradesh and was never served by the Investigating Agency. He further submits that the name of the present petition surfaced only on the basis of main accused Harjinder Singh, who had disclosed about the involvement of the petitioner in the alleged offence. However, on the contrary, the petitioner was neither aware of the proceedings going on against him nor was he ever arrested in the present case. Furthermore, nothing is to be recovered from the petitioner. He further contends that the apart from the disclosure statement, the Investigating Agency could not collect any other evidence or material which could connect the petitioner with the alleged offence, whereas a large quantity of the contraband was recovered from the co-accused persons. Still further, the petitioner has never been served with any kind of notice or summons before passing the impugned order dated 06.07.2024.

4. Learned State Counsel vehemently opposes both the petitions on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively

participated in the alleged offence. He further submits that despite best efforts, the petitioner could not be apprehended and as such, he was rightly declared proclaimed absconder by the Illaqa Magistrate. Hence, he prays for dismissal of the petitions.

5. I have heard learned counsel for the parties and perused the record.
6. From the perusal of record, it evident that the prosecution has not placed on record any evidence or material which could prove that the petitioner was served with any notice or summons before passing the impugned order dated 06.07.2024. Even no record has been produced before the Court which could show that any strenuous efforts were made to apprehend the petitioner. It appears that the Investigating Agency has rushed to get the petitioner declared as proclaimed absconder in a haste just to fulfill its documentary requirements to conclude the investigation. Hence, in light of the above, the impugned order dated 06.07.2024 passed by the Illaqa Magistrate is hereby set aside alongwith all consequential proceedings arising therefrom; and the petitioner is directed to surrender before the trial Court within a period of next 07 days, whereupon he shall be granted bail by the trial Court subject to his furnishing adequate bail/surety bonds to its satisfaction.
7. Both the petitions stand disposed of accordingly.
8. Photocopy of this order be placed on the file of another connected case.

MARCH 17, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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