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CRM-M-20247-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-20247-2021

Date of decision: 06.05.2026

HARCHARAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Tarun K. Sharma, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 27.01.2026 (Annexure P-5), whereby the learned Additional Sessions Judge, Moga has declared the petitioner a proclaimed offender.

2. Learned counsel for the petitioner submits that FIR No.9 dated 20.01.2010 u/s 22 of the NDPS Act, 1985, was registered at P.S. City City Moga, District Moga, against the petitioner. He submits that the petitioner is a licensed chemist and had filed a quashing petition in this High Court vide CRM-M-30541-2010 wherein this High Court had ordered to form a review committee to review the FIRs registered against the licensed chemists. He further submits that in compliance of the aforesaid directions of the High Court, a review committee was formed and cancellation of FIR was recommended by the review committee. The petitioner, thus, under the impression that the FIR in the present case has been cancelled and was no more required to appear before the learned trial Court, absented himself.

Accordingly, the petitioner was declared a proclaimed offender by the trial



3. He further argues that since petitioner was never served with any notice/warrant, hence, the impugned order has been passed without complying with the requirements of section 82 Cr.P.C. (section 84 BNSS). He further submits that the petitioner undertakes to appear before the trial Court on each and every date of hearing. Hence, he prays for quashing of the said order.

4. Notice of motion.

5. Mr. J.S. Rattu, DAG Punjab accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

6. I have heard learned counsel for the parties and perused the record.

7. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioner has voluntarily approached this Court and undertaken to appear before the trial Court regularly.

8. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be imposed after considering the nature of the offence and the capacity of the accused to pay any cost.



9. In the present case, apart from a bald assertion that requirements of Section 82 Cr.P.C. were not complied with before declaring petitioner a proclaimed offender, no plausible ground has been raised by the learned counsel for the petitioner to support his contention. However, still this court is inclined in taking a lenient view keeping in view the facts and circumstances of the case in hand.

10. In view of the foregoing discussion, the petition is allowed. The impugned order dated 27.01.2026 (Annexure P-5), declaring the petitioner proclaimed offender, is set aside and the petitioner is directed to appear before the trial Court within four weeks from today, subject to payment of Rs.30,000/- as costs to be deposited by the petitioner in Poor Patients Welfare Fund, PGIMER, Chandigarh. Upon doing so, he shall be released on bail subject to furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

11. Besides, petitioner shall also file an undertaking/affidavit that he will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

12. It is made clear that in case, petitioner fails to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

06.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

Yes/No  
Yes/No