



CRM-M-21921-2026

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

CRM-M-21921-2026

Date of Decision: 25.05.2026

Sunny Kapoor

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Davinder Singh Saini, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 17.02.2026 (Annexure P-4) passed by learned JMIC, SBS Nagar, vide which the petitioner has been declared proclaimed offender in a case FIR No.37 dated 30.06.2024, under Sections 22-29-61-85 of NDPS Act, registered at Police Station Mukandpur, District SBS Nagar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of the disclosure statement of the co-accused. It is submitted that the petitioner was never served in the present case as he was working in Dubai, however, learned trial Court has illegally passed the impugned order dated 17.02.2026 and declared the petitioner as proclaimed offender in blatant violation of the mandatory provisions of Section 82 Cr.P.C. It is further submitted that the petitioner's absence was neither deliberate nor intentional, but occurred due to circumstances beyond his control. The petitioner is now willing to appear before the Court concerned and comply with any conditions imposed by the Court. Accordingly, it is prayed that the order dated 17.02.2026 declaring the petitioner a proclaimed offender be set aside.



3. Notice of motion.

4. Mr.K.D.Sachdeva, DAG, Punjab, accepts notice on behalf of the State. He controverts the submissions made on behalf of the petitioner and submits that the petitioner deliberately avoided the process of law and remained absconding despite issuance of warrants. It is contended that due procedure under Section 82 Cr.P.C. was duly followed and sufficient opportunities were afforded to the petitioner to appear before learned trial Court and thus, ultimately, the petitioner was rightly declared the proclaimed offender.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was declared as a proclaimed offender vide order dated 17.02.2026 due to his non-appearance. Without entering into the merits or examining the authenticity of the grounds urged for the petitioner's absence, this Court deems it appropriate to set aside the order dated 17.02.2026 declaring the petitioner as a proclaimed offender. Accordingly, the said order is set aside, subject to payment of Rs.50,000/- (Rupees Fifty Thousands only) to be paid equally to the **Punjab and Haryana High Court Employees' Welfare Fund, Chandigarh** and **Punjab and Haryana High Court Bar Association Welfare Fund, Chandigarh**. by the petitioner within a period of seven from the date of receipt of copy of this order.

5. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith receipt of costs of Rs.50,000/-. The petitioner will have protection from arrest till ten days from the date of



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receipt of copy of this order.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 17.02.2026 will come in force and the present petition shall be deemed to have been dismissed.

7. Petition stands disposed of in abovesaid terms.

25.05.2026
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No