

2026:PHHC:088810



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

118

CRM-M-34885-2026 (O&M)

Date of decision: 01.07.2026

Harbhajan Lal @ Tony**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Rashika Bansal, Advocate
For the petitioner.

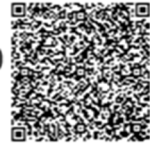
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 19.11.2024 (Annexure P-4), passed by the Court of learned Judge, Special Court, Jalandhar in case arising out of FIR No. 132 dated 27.06.2018, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Division No. 6, Jalandhar, whereby the petitioner had been declared a proclaimed offender.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in the aforementioned case. The petitioner was on bail and was regularly appearing before the learned trial Court. However, he absented himself on 02.03.2024 due to ill health, consequent to which, his bail was cancelled and non-bailable warrants were issued against him. Subsequently, 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

2026:PHHC:088810



residence. More so, the petitioner had been declared a proclaimed offender without following the proper procedure prescribed under Section 82 of Cr.P.C. He is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. Notice of motion.

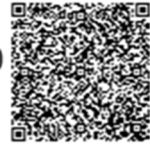
4. Learned Senior Deputy Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed offender as he was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. 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 absconder, this Court is of the considered opinion that the impugned order dated 19.11.2024 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

7. 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 24.04.2024, 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 03.06.2024. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has

2026:PHHC:088810



not recorded its proper satisfaction that that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. Further, a perusal of the record reveals that on 03.06.2024, a fresh proclamation was issued for 27.09.2024. The case was taken up on 27.08.2024 instead of 27.09.2024 with the remarks that the case was actually fixed for 27.08.2024. However, inadvertently, the date was wrongly mentioned as '27.09.2024'. On the same date i.e. 27.08.2024, a fresh proclamation was issued for 19.11.2024. However, when the case was taken up on 19.11.2024, the petitioner was declared a proclaimed offender by the learned trial Court by observing that the proclamation was executed on 02.08.2024, which in fact seems to be in pursuance of previous proclamation issued against the petitioner as the immediate previous proclamation was issued only on 27.08.2024. So, there was no possibility for the same having been executed on 02.08.2024. Hence, it can be stated that the proper procedure was not followed by the learned trial Court while passing the impugned order.

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 authorities, the present petition is allowed and the impugned order dated 19.11.2024 (Annexure P-4), passed by the Court of learned Judge, Special Court, Jalandhar in case arising out of FIR No. 132 dated 27.06.2018, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Division No. 6, Jalandhar, whereby the

2026:PHHC:088810



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, he is directed to surrender before the learned trial Court within a period of 04 weeks 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. However, this relief shall be subject to payment of cost of Rs. 10,000/-, to be deposited by the petitioner with the District Legal Services Authority, Jalandhar.

01.07.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No