

CRM-M-50724-2025
Decided on: 20.01.2026

.... Petitioner

.... Respondent

Present: Mr. Manthan Pathania, Advocate with
Mr. B.S.Bajwa, Advocate
for the petitioner.

Aman Chaudhary, J. (Oral)

Prayer made in the present petition for quashing the order dated 15.04.2025 (Annexure P-6), vide which the petitioner was declared as proclaimed person in case FIR No.114 dated 12.08.2023 registered under Section 21 of NDPS Act at Police Station Shri Hargobindpur Police District Batala District Gurdaspur.

2. Learned counsel for the petitioner submits that when the proclamation proceedings were carried out, petitioner was in abroad, for which reliance is placed on his passport (Annexure P-2) otherwise, there was no recovery affected from him but from his co-accused. The procedure as envisaged under Section 82(1) and 105 Cr.PC were not complied with. Be that as it may, the petitioner is ready to surrender before the Court concerned and join the proceedings for which only one opportunity is sought, which may even be subject to payment of costs. To buttress his submission, reliance is



placed on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. On the asking of the Court, Mr. Rahul Kumar Adia, AAG, Punjab accepts notice on behalf of the respondent-State and submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

5. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon him.

6. Heard.

7. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

8. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

9. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice



shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

10. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 15.04.2025, Annexure P-6, is set aside, subject to surrender by the petitioner before the trial Court on or before 30.01.2026 and payment of costs of Rs.15,000/- to be paid to the complainant. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

11. The petition is disposed of.

12. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

20.01.2026
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No