



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

CRM-M-61059-2025

Date of decision : 25.03.2026

Surinder Kalra**.....Petitioner****versus****Union of India****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Ms. Prachi Gupta, Advocate
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor with
Ms. Deify Jindal, Advocate, Ms. Samridhi Jain, Advocate,
Ms. Geetika Sharma, Advocate,
Mr. Himanshu Gautam, Advocate
for the respondent.

*********RAJESH BHARDWAJ, J.**

1. Present petition has been filed for quashing the order dated 03.08.2024 passed in case titled as Union of India Vs. Akshay Chhabra and others whereby the petitioner has been declared a Proclaimed Offender in NCB Crime No.79 of 2022 dated 15.11.2022 and supplementary complaint dated 23.04.2025, under Sections 8, 8A, 18, 21, 23, 25, 27A, 27B, 28, 29, 60 & 62 of the NDPS act, 1985 registered at Police Station NCB, Chandigarh as well as subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner has stated that the respondent-authorities had apprehended one Akshay Chhabra on the allegation that huge quantity of Heroin and some opium were recovered from his possession and the said accused was arrested on 25.11.2022. She has submitted that during investigation, the complicity of the present petitioner surfaced on the basis of disclosure statement of Akshay



Chhabra. She has submitted that in the earlier complaints dated 12.05.2023 and 22.12.2023, the petitioner was not made an accused. She has submitted that thereafter, the petitioner left India to go to Dubai on 18.11.2022 even before the main accused was arrested. She has submitted that the entire proceedings including issuance of bailable warrants, non-bailable warrants, proceedings under Section 82 Cr.P.C. and declaration of petitioner as proclaimed offender were carried out in his absence and without his knowledge. She has further stated that now the petitioner is ready to appear before the trial Court and join the proceedings and for the said purpose, he would board the flight from Dubai on 30.03.2026 at 03:30 AM and would land in Mumbai at 08:15 AM. She has stated that as the entire proceedings were carried out at the back of the petitioner, so he is entitled to the protection by releasing him on bail enabling him to join the proceedings and face the trial. Learned counsel has further stated that the petitioner may kindly be allowed to appear before the trial Court and face the trial and as such, he may be allowed bail during the pendency of the trial and he is ready to abide by the terms and conditions if any imposed by this Court while allowing him bail.

3. Notice of motion.

4. On asking of the Court, Mr. Sourabh Goel, Special Public Prosecutor with Ms. Deify Jindal, Advocate, Ms. Samridhi Jain, Advocate, Ms. Geetika Sharma, Advocate, Mr. Himanshu Gautam, Advocate accepts notice on behalf of the respondent. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person on 03.08.2024, due to his continuous absence from the proceedings without any valid reason and



as such he is not entitled to any relief. He has also submitted that Blue Corner Notice (18.02.2025) and Red Corner Notice (04.09.2025) have been issued against the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that petitioner was in Dubai and in his absence, FIR was registered wherein he was declared as Proclaimed Offender vide order dated 03.08.2024. In view of the fact that the petitioner is now keen to join the proceedings and face the trial in the present case as is clear from the fact that he is coming back to India on 30.03.2026 for the said purpose. So, without going into the merits of the contentions raised by learned counsel for the petitioner regarding his unawareness about the pendency of the proceedings and consequent orders passed therein, this Court is of the opinion that it would be appropriate if one opportunity is granted to the petitioner to appear before the trial Court and face the trial. Consequently, the present petition is disposed of and the order dated 03.08.2024 is *set aside* subject to payment of Rs.5,00,000/- as costs (**i.e. Rs.4,00,000/- to be paid to Indian Red Cross Society, UT Branch, Sector-11, Chandigarh and Rs.1,00,000/- to be paid to Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh**) within a period of 10 days from the date of his arrival. The petitioner is directed to appear before the trial Court and file appropriate application for bail along with receipts of costs before the trial Court within a period of 10 days from the date of his arrival, the trial Court will hear both the parties and decide the same on merits in accordance with law. Petitioner will have protection from arrest for a period of 10 days from the date of his arrival in India i.e. 30.03.2026.



Subject to appearance of the petitioner before the trial Court, Blue Corner Notice (18.02.2025) and Red Corner Notice (04.09.2025) would remain in abeyance till then.

6. The petitioner would hand over his passport to the NCB Team at the Mumbai Airport itself. The petitioner would provide his mobile number and details of the place/places where he would reside in India at the Airport itself. On doing so, the petitioner would have protection from his arrest for 10 days from the date of his landing at Mumbai Airport.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge would come in force and the present petition would be deemed to have been dismissed.

8. Disposed of in above terms.

25.03.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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