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

**CRM-M No.68084 of 2025
Date of decision : 13.01.2026**

Shamsher Singh @ Shera**.....Petitioners****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Raghav Soni, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 23.05.2025 (Annexure P-4) passed by the learned Judge, Special Court, Amritsar vide which the petitioner has been wrongly declared as proclaimed person due to his non appearance in case bearing NDPS No.872 of 2019 titled as 'State of Punjab vs. Shamsher Singh @ Shera and another', arising out of FIR No.118, dated 16.08.2018, under Sections 22, 61, 85 of NDPS Act, registered at Police Station Kamboj, District Amritsar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in FIR No.118, dated 16.08.2018, under Sections 22, 61, 85 of NDPS Act, registered at Police Station Kamboj, District Amritsar. He has submitted that after registration of the FIR, the petitioner was granted the concession of regular bail by the

learned trial Court vide order dated 21.09.2018. He has submitted that



thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that in August, 2024, the petitioner was diagnosed with TB and is under treatment of the same since then. He has submitted that due to his medical emergency, the petitioner could not appear before the learned trial Court on the date fixed. He has submitted that due to non appearance of the petitioner on 18.02.2025, bail order of the petitioner was cancelled and bail bonds & surety bonds of the petitioner were forfeited to the State. He has submitted that nonailable warrants of arrest were also issued against the petitioner. He has submitted that thereafter the petitioner filed the petition for anticipatory bail before the learned trial Court, however the same was dismissed vide order dated 19.04.2025. He has further submitted that the petitioner filed the petition bearing CRM-M-24367-2025 before this Court praying for quashing of order dated 18.02.2025, however during the pendency of that petition, the petitioner was declared as proclaimed person by the learned trial Court vide order dated 23.05.2025. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner was never issued the summon nor any notice was ever served to the petitioner. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Rituraj Singh, DAG, Punjab, appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and



has submitted that the petitioner has rightly been declared as proclaimed person, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.118, dated 16.08.2018, under Sections 22, 61, 85 of NDPS Act, registered at Police Station Kamboj, District Amritsar. After registration of the FIR, the petitioner was granted the concession of regular bail by the learned trial Court. Due to non appearance of the petitioner before the learned trial Court, bail order of the petitioner was cancelled and bail bonds/surety bonds were forfeited to the State vide order dated 18.02.2025. Non bailable warrants were also issued against the petitioner. During the pendency of the petition bearing CRM-M-24367-2025 praying for quashing of order dated 18.02.2025, the petitioner was declared as proclaimed person. However, the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter, he was declared as proclaimed person. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 23.05.2025 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be paid to the **Society for the Care of Blind, Sector 26, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application along with receipt of



deposit of above-said costs, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the order dated 23.05.2025 would stands automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

13.01.2026

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

(RAJESH BHARDWAJ)
JUDGE