



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

248

CRM-M-13981-2024 (O&M)

Date of Decision:- 21.02.2025

RANJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Akram Hussain, Advocate for
Mr. Mahir Sood, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 30.04.2022 (Annexure P-1) passed by the Court of learned Chief Judicial Magistrate, SBS Nagar, whereby the petitioner was declared as proclaimed offender in complaint case No.399 (COMA No.4725 of 2013 dated 23.06.2011 titled 'State vs. Gurmukh Singh and others' (later on titled changed to State vs. Ranjit Singh) under Section 18(a)(i) read with Section 17, 17-A, 17-B punishable under Section 27(b)(i), 27(b) and 27(d) and Section 18(c) punishable under Section 28 of Drugs and Cosmetics Act, 1940.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 03.02.2025 passed by this Court, the petitioner



has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 07.02.2025, passed by learned Judicial Magistrate 1st Class, SBS Nagar, whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 03.02.2025, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being nominated as accused in the complaint case (supra) was admitted to bail and on account of his absence on 23.10.2018, his bail was cancelled and fabricated to State. However, later on, vide order dated 04.01.2019 (Annexure P-11), he was admitted to bail and thereafter, again absented from proceedings leading to passing of the impugned order dated 30.04.2022 (Annexure P-1) declaring the petitioner as proclaimed person in the case. He contends that the impugned order (Annexure P-1) is not sustainable in the eyes of law as the same is not in consonance with the provisions contained in Section 82 Cr.P.C. He submits that the proclamation under Section 82 Cr.P.C. was issued vide order dated 02.03.2022 (Annexure P-38) returnable for 01.04.2022. There was no proclamation requiring the presence of the petitioner before the learned trial Court on 30.04.2022 and as such, the provisions of Section 82 Cr.P.C. has not been complied with. He submits that the petitioner is ready to face the trial. Hence, the present petition.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent- State and has not disputed the factual matrix of the case.

5. Be it the case, without commenting on the merits of the case at this stage, In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within seven days from today and in the event of his arrest, he is ordered to be released on



interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.

6. The petitioner is directed to deposit cost of Rs.1,00,000/- (Rs.50,000/- to be deposited by the petitioner in the Poor Patients Welfare Fund, PGIMER, Chandigarh, and further Rs. 50,000/- in the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund, Account No. 41564846387, Bank Name-SBI High Court Branch), which shall be a condition precedent for his admission to interim bail.

7. List on 21.02.2025.

8. In the meanwhile, operation of the impugned order dated 30.04.2022 (Annexure P-1) shall remain stayed.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 03.02.2025, passed by this Court, the present petition is allowed. The order dated 30.04.2022 (Annexure P-1) passed by learned Chief Judicial Magistrate, SBS Nagar is set aside and the interim bail granted vide order dated 03.02.2025 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

**(SANJIV BERRY)
JUDGE**

21.02.2025

S.Sharma(syr)

| | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |