

123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-22646-2025

DATE OF DECISION: 15.05.2025

SHIVA @ BHOOT

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Atinderpal Singh, Advocate,  
for the petitioner.

\*\*\*\*\*

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. Petition under Section 528 of the '*Bharatiya Nagarik Suraksha Sanhita*', 2023 has been filed for quashing of the impugned order dated 05.06.2024 (Annexure P-12) whereby bail order of the accused was cancelled by the Judge, Special Court, Amritsar and bail bonds and surety were ordered to be forfeited to the State, as well as, the order dated 28.01.2025 (Annexure P-17), again passed by Judge, Special Court, Amritsar, whereby, the petitioner has been declared as a Proclaimed Person in case FIR No. 86, dated 15.07.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division Mohkamura, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that petitioner was regularly appearing before the trial Court and was on regular bail, in terms of the order dated 23.08.2022 (Annexure P-2) passed by the Judge, Special

Court, Amritsar, However, after 19.01.2024 he could not appear before the trial Court due to the wrong date being noted down. The matter was adjourned from time to time for appropriate proceedings and ultimately, learned trial Court has declared the petitioner as a Proclaimed Person, vide order dated 28.01.2025 (Annexure P17), without following due procedure under Sections 82 and 84 of BNSS. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the learned trial Court, and directions be given to the trial Court that his application of bail, which he would be filing on his surrender, be decided expeditiously.

3. Notice of motion.

4. On the asking of the Court, Ms. Ramta Chowdhary, D.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the trial Court within 10 days from today. Till then, no coercive steps be taken against the petitioner. Since, the petitioner has evaded the Court proceedings for a long time, it is ordered that this order shall be subject to payment of costs of ₹10,000/- to be deposited by the petitioner in the account of the District Legal Services Authority, Amritsar, which shall be a condition precedent.

6 In case, on appearance and surrender within 10 days from today, the petitioner moves an application for bail, the trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

7. In case there is a failure on the part of the petitioner, this order shall remain automatically vacated and learned trial Court shall be at liberty to proceed as per law.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

MAY 15, 2025  
nitin

(HARPREET KAUR JEEWAN)  
JUDGE

Whether Speaking	Yes
Whether Reportable	No