



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

133

CRM-M-47079-2025

Date of decision: 27.08.2025

Chanchal Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present : Mr. Sandeep Arora, Advocate for the petitioner.

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**AARADHNA SAWHNEY, J.(ORAL)**

1. Petitioner, an accused in case FIR No. 78 dated 23.09.2014 registered against him under Sections 22, 61, 85 of NDPS Act, 1985 at Police Station Sadar Rajpura, District Patiala has prayed for setting aside/quashing the order dated 03.02.2017 (Annexure P-5) passed by the learned Special Court, Patiala vide which he (Petitioner) was declared a 'Proclaimed Offender'.

2. As per Petitioner, after he was arrested in the aforesaid FIR, he was granted the concession of bail vide order dated 01.04.2025 (copy annexed as Annexure P-2).

During pendency of the aforesaid case, petitioner could not appear in the Court and on 23.12.2016, following order was passed:-

*“Perusal of file shows that accused absented himself after appearing in the Court and since then this case is fixed for summoning of accused through non-bailable warrants. So in these circumstances I have reasons to believe that accused is having full knowledge regarding the pendency of this case and is deliberately not appearing. Accordingly proclamation of accused be issued for the next date of hearing i.e 13.01.2017.”*

Presence of petitioner was sought to be procured through proclamation and the case was adjourned to 13.01.2017. On the said day, the



following order was passed:-

*“P O done on 30.12.2016. Statement of Tamili recorded. Period of 30 days not passed. Let case is adjourned to 3.2.2017 for awaiting appearance of accused.”*

Petitioner was declared as Proclaimed Offender on 03.02.2017.

Following order was passed:-

*“30 days passed. Accused has not come present so accused is declared as proclaimed offender. Intimation be sent to the concerned SHO.*

*Case is adjourned to 6.2.2017 for recording evidence U/s 299 Cr.P.C.”*

Learned counsel submits that a bare perusal of the interim orders passed by the learned trial Court goes to show that proclamation was issued against petitioner for 13.01.2017, the case was adjourned to 03.02.2017, by observing that the statutory period has not elapsed. On 03.02.2017, petitioner was declared as Proclaimed Offender by observing that the proclamation had been served on 30.12.2016.

Learned counsel further submits that on 13.01.2017, the requisite period of 30 days had not elapsed from the date of service on the petitioner, therefore, the learned trial Judge ought to have issued fresh proclamation. Instead of issuing fresh proclamation, the case was adjourned to 03.02.2017, when the petitioner was declared Proclaimed Offender. Learned counsel submits that from the proceedings as stand recorded in the file of the trial Court, it is clear that the requisite procedure so prescribed under Section 82 Cr.P.C. was not followed by the learned trial Judge, in letter and spirit. Order dated 03.02.2017, as per learned counsel is legally unsustainable and deserves to be set aside. In support of his submission,



learned counsel places reliance upon following judgments:-

1. *Ashok Kumar vs. State of Haryana and another 2013(4) RCR (Criminal) 550*

2. *Shokat Ali vs. State of Haryana and another, 2020(2) RCR (Criminal) 339*

3. Learned counsel submits that the petitioner undertakes to appear before the learned trial Court within a period of 20 days.

4. Heard. Documents on record perused.

5. Vide order dated 23.12.2016, learned trial Judge, without referring to the report on the non-bailable warrants that had been issued to procure presence of the accused (petitioner herein), arrived at the conclusion that since the accused has absented himself after appearing in the Court, he (accused) has full knowledge regarding pendency of the case and is deliberately not appearing, therefore, his presence was sought to be procured through proclamation for 13.01.2017. On the said day, i.e. 13.01.2017, statement of the executing constable was recorded, it was further mentioned in the order that the proclamation was effected on 30.12.2016. The trial Court was conscious of the fact that the 30 days period from the date when the publication was effected (30.12.2016) and when the accused was directed to appear before the Court i.e. on 13.01.2017, had not elapsed, therefore, the case was adjourned for 03.02.2017. At this stage, it would be appropriate to refer to Section 82(1) of Cr.P.C., which reads as under:-

*“82. Proclamation for person absconding. - (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and*



*at a specified time not less than thirty days from the date of publishing such proclamation.”*

6. It is, thus, clear that a period of 30 days is required to be furnished to accused to put in his appearance. While interpreting the said provision, this Court in *Ashok Kumar vs. State of Haryana and another 2013(4) RCR (Criminal) 550* held that where the period of 30 days had not elapsed from the date the publication was issued and accused had to put in appearance in the Court, as also that where the Court subsequently adjourns the matter, such adjournment beyond 30 days cannot be treated as compliance of provisions of 82(1) Cr.P.C.

7. In view of the above referred judicial precedents, as also the facts and circumstances of the present case, the impugned order dated 03.02.2017 (Annexure P-5) passed by the learned Special Court, Patiala, is set aside.

8. In view of the facts mentioned hereinabove, the present petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 20 days. He shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

**(AARADHNA SAWHNEY)**  
**JUDGE**

**27.08.2025**  
Hemant

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