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

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**CRM-M No.31296 of 2025
Date of Decision: 01.07.2025**

Manjinder Singh @ Sukha

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Anand, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The petitioner is seeking quashing of order dated 28.10.2024 whereby his bail was cancelled in case arising out of FIR No.103 dated 13.05.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Sadar Phagwara, District Kapurthala, the orders dated 10.12.2024 to 21.05.2025 whereby warrant of arrest were ordered to be issued against the petitioner and thereafter proceedings for declaring him as a proclaimed person have been ordered to be initiated. Now proclamation

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is ordered to be issued against him for 05.07.2025.

2. It is argued by learned counsel for the petitioner that his non-appearance before the trial Court was not intentional. The learned trial Court has initiated proclamation proceedings against him for 05.07.2025 by making wrong observations. He had not remained in custody in any other case as reflected in the orders passed by the trial Court. He is ready to join the trial proceedings. It is, therefore, urged that the impugned orders be set aside and he be permitted to join the proceedings before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Ms. Himani Arora, AAG, Punjab has accepted notice and has argued that the impugned orders do not deserve to be set aside.

5. I have gone through the record carefully and a perusal of the same reveals that the bail of the petitioner was cancelled on 28.10.2024 due to his non appearance and his bonds were forfeited to the State. Warrant of arrest were ordered to be issued against him for 10.12.2024. Subsequently, proceedings for declaring him as a proclaimed person have been initiated. It is also reflected from the record that the learned trial Court has passed self contradictory orders since as on 31.01.2025, it was observed that the petitioner was lodged in jail and his production was ordered to be secured by issuance of production warrants. As on 05.03.2025, the learned trial Court observed that the petitioner was produced through video conferencing facility and he was ordered to be taken into custody. However, then on the

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next date of hearing i.e. on 05.04.2025, warrant of arrest were again ordered to be issued against him by ignoring that he was ordered to be taken into custody on 05.03.2025. As on 21.05.2025, the learned trial Court further observed that the non-bailable warrants issued against the petitioner were received back unexecuted and initiated proceedings for declaring him as a proclaimed person. In view of the fact that if the petitioner was taken into custody in this case as on 05.03.2025, no order for issuance of fresh non-bailable warrants could be issued against him and even no order for initiation of proclamation proceedings could be passed. It is apparent that the learned trial Court has not acted judiciously or has passed wrong order qua taking the petitioner in custody in this case. In the given circumstances, the petition is disposed of with direction to the petitioner to surrender before the trial Court on or before 05.07.2025 and on his doing so and on moving application for grant of bail and further subject to furnishing fresh personal as well as surety bonds, the learned trial Court shall admit him to bail. The learned Presiding Officer of Special Court, Kapurthala shall also submit a report to this Court explaining as to how and under what circumstances, fresh non-bailable warrants were ordered to be issued against the petitioner and proclamation proceedings were ordered to be initiated against him if the petitioner had already been taken into custody in this case as on 05.03.2025. The report be filed within 15 days.

6. The Registry shall put up the matter before this Court as and when the report is received.
7. A copy of this order be given *dasti* to the learned counsel for

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the petitioner under the signatures of the Reader of this Court.

8. A copy of this order be sent to the concerned Court.

01.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No