

CRM-M-36792-2021 (O&M)

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

CRM-M-36792-2021 (O&M)
Date of decision: 19.09.2025

ANIL GUPTA

...PETITIONER

VERSUS

SADHU RAM AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Bharat Arora, Advocate for
 Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Mukesh Saxena, Advocate and
Mr. Sandeep Lithu, Advocate
for respondents No.3,46 and 47.

Mr. A.P.S.Shergill, Advocate and
Mr. Shagun Goyal, Advocate for the respondents.

Ms. Shaveta Sanghi, DAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

Criminal Complaint	No.NACT/178/2017
Case No.	CNR No.HRJNB0-001180-2017 titled as “Sadhu Ram Vs. M/s Amira Pure Food etc.”

1. Challenging the order dated 15.04.2021 passed by the Sub Divisional Judicial Magistrate, Safidon, vide which petitioner was declared as proclaimed offender, the petitioner has come up before this court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS].
2. Learned counsel for the petitioner submits that the petitioner was not duly served with any notice, bailable warrants, or non-bailable warrants, due to which he could not appear before the learned Trial Court and was consequently declared a Proclaimed Offender. It is further submitted that the petitioner is now willing to surrender before the majesty of the Court and undertakes to appear on each and every date of hearing.
3. Counsel appearing for the State has strenuously opposed this petition, including the limited relief, if any.
4. Counsel appearing on behalf of the private respondents submits that the petitioner is Proclaimed Offender in number of cases and all the complainants of those cases made party respondents in this petition to take the advantage of the order passed in this petition in other cases. Therefore, any order passed in this petition shall not be construed to have a binding effect on other case.



5. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioner got to know about his being declared a proclaimed offender, he took a legal remedy and came up before this Court. In such a situation, the petitioner has proved his case by a preponderance of probabilities and has prima facie established that his non-appearance was beyond his control. Petition is pending from the last four years, any further delay will hamper the trial.

6. Let the petitioner attend the trial because the criminal justice system must not hamper and suffer because of the petitioner.

7. The primary object of the service is to secure the accused's presence at trial. The petitioner approached this court independently, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet if limited period granted to the petitioner. Thus, exercising the inherent powers under section 528 BNSS, 2023, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

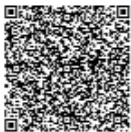
8. The State's counsel submitted that if this Court is granting any concession to the petitioner, it must be subject to some reprimand. The petitioner's counsel declared that if this court imposes reasonable and affordable costs, the petitioner shall deposit the same.

9. Given above, the petitioner is directed to surrender before the concerned court **on or before 15.10.2025, 12.00 Noon** and avail his legal remedy in accordance with law. On petitioner's appearance before the concerned Court by the time given, order dated 15.04.2021 shall quashed automatically. The petitioner is directed to appear on each date before the trial court and not to delay it.

10. There shall be a stay of the petitioner's arrest in the case mentioned till the date mentioned above to exercise their statutory rights of pre-arrest bail. As mentioned above, this stay is subject to the petitioner's surrender, failing which this protection shall also be recalled. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner in the matter mentioned above shall automatically stand recalled and canceled.

11. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 362/403 read with 528 of BNSS, 2023, without any further reference to this court and the present petition shall also not be restored. It is further clarified that this order is only confined NACT/178/2017 and has no bearing on any other matter.

12. It is clarified that this order shall not have any bearing on any other case pending against the petitioner and complainant of the petition who has been made a party respondent. It is clarified that the present petition is only decided on the prayer of proclamation due to Covid-19 in NACT/178/2017 and in case, other prayers have been made or other parties are involved,



this order shall have no bearing whatsoever on any other complaints or proceedings involving such other parties.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition is allowed to the extent mentioned above.** All pending applications, if any, stand disposed of. Liberty reserved to raise the given-up relief(s) in the subsequent petition(s) if the need arises.

19.09.2025
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(ANOOP CHITKARA)
JUDGE

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