



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

CRM-M-67644-2025

Date of decision: 05.12.2025

M/S Proceed Formulations & Ors.

....Petitioners

Versus

State of Punjab & Anr.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Harish Goyal, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 25.08.2025 (Annexure P-1), whereby the learned Chief Judicial Magistrate, Fatehgarh Sahib has declared the petitioners as proclaimed persons.

2. Learned counsel for the petitioners submit that a complaint bearing No.COMA/73/2023 (Annexure P-2), was registered against the petitioners by District Drug Inspector, Fatehgarh Sahib. He submits that when the petitioners came to know about the pending proceedings before the learned Trial Court, the petitioners filed a petition before this Hon'ble High Court for quashing of the complaint as well as summoning order dated 21.11.2023 in which notice of motion was issued on 19.09.2025 and was further adjourned to 17.11.2025. He submits that in the meanwhile, learned



Trial Court declared the petitioners as proclaimed persons vide order dated 25.08.2025 (Annexure P-1).

3. He further argues that non-appearance of the petitioner was not intentional but under the bonafide belief that the present complaint is not maintainable. He further submits that the petitioners undertake to appear before the trial Court on each and every date of hearing. Hence, they pray for quashing of the said order.

4. Notice of motion.

5. Mr. Ravinder Singh, DAG, Punjab, accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

6. I have heard learned counsel for the parties and perused the record.

7. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioners have voluntarily approached this Court and undertaken to appear before the trial Court regularly.

8. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be imposed



after considering the nature of the offence and the capacity of the accused to pay any cost.

9. In the present case, no plausible ground has been raised by the learned counsel for the petitioners to support his contention. However, still this court is inclined to take a lenient view keeping in view the facts and circumstances of the case in hand.

10. In view of the foregoing discussion, the petition is allowed. The impugned order dated 25.08.2025 (Annexure P-1), declaring the petitioners proclaimed persons, is set aside and the petitioners are directed to appear before the trial Court within four weeks from today. Upon doing so, they shall be released on bail subject to furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

11. Besides, petitioners shall also file an undertaking/affidavit that they will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

12. It is made clear that in case, petitioners fail to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

05.12.2025

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

(RUPINDERJIT CHAHAL)
JUDGE