



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

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CRM-M-18740-2026 (O&M)

Date of decision:07.04.2026

Sonia Arora and another

....Petitioners

Versus

Bright Moon Innovations Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shrey Goel, Advocate, for the petitioners.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned order dated 30.10.2025, Annexure P-1, passed by learned Judicial Magistrate 1st Class, Gurugram, in case bearing NACT No.36036 of 2021, CNR N.HRGR030809382021, pending adjudication under Section 138 of Negotiable Instruments Act, 1881, vide which the petitioners were declared as proclaimed persons.

2. Learned counsel submits that the petitioners were granted bail vide order dated 25.09.2023, Annexure P-3, whereafter they appeared on 12.12.2023 wherein notice of accusation was served upon them and they pleaded not guilty and claimed trial. Thereafter on 11.02.2025, they could not appear thus filed an application for exemption, which was dismissed, leading to cancellation of their bail and forfeiture of bonds, whereafter straightway non-bailable warrants were issued against them, Annexure P-7, which remained unexecuted and the next



date of hearing was inadvertently communicated to the petitioners as 23.08.2025 instead of 23.05.2025. Accordingly, neither they nor their learned counsel could appear and proclamation proceedings were initiated vide order dated 23.05.2025, Annexure P-8. Thereafter, an appeal under Section 495 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 was also preferred against the order dated 11.02.2025, which is still pending, with no interim relief or directions for them to surrender. Moreover, as is recorded in order dated 29.09.2025, Annexure P-10 that statement of executing Constable has been recorded, however, nothing has been stated therein with regard to the proceedings having been carried out in terms of Section 82 of Cr. P.C. and case was adjourned to 30.10.2025, on which date they were declared proclaimed persons and the satisfaction that they were absconding was recorded without taking note of the above facts that reflected their keenness to join the proceedings. One opportunity is being sought to allow them to surrender before the trial Court. In two other petitions filed by the petitioners, Coordinate Bench has directed them to appear before the trial Court.

3. Notice of motion.

4. Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of respondent-State and submits that the order passed against the petitioners is legal and valid on account of the fact that they had absented themselves from the proceedings before the trial Court without any just cause.

5. Heard.

6. In **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021, it was held that provisions of



Section 82(2) Cr.P.C. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

7. In **Sonu vs. State of Haryana 2021 (1) RCR (Crl.) 319**, it was held that any non-compliance in the procedure prescribed in declaring a proclaimed person, cannot be treated as an irregularity but the same renders such proceedings a nullity.

8. This Court in **Satvir Singh vs. State of Punjab and another**, CRM-M-27621-2025, 20.05.2025, while relying on **Rohit Kumar vs. State of Delhi**, 2008 Crl. J. 2561, has held that Court must be prima facie satisfied that the person absconded or has concealed himself so that warrant of arrest, previously issued, cannot be executed, despite due diligence.

9. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

10. Considering the fact that the absence of the petitioners was not wilful or deliberate and their readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioners, no prejudice shall be caused to any of the parties, rather their joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

11. In view of the afore-mentioned judgments and the facts and

circumstances of the case, the impugned order dated 30.10.2025, is set aside.

12. The petitioners are directed to surrender before the learned trial Court on or before 20.04.2026 and deposit Rs.15,000/- each as costs with Chandigarh Spinal Rehab, Plot No.1, Sector 28-A, Chandigarh (Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No.9612001641, IFSC KKBK0004201), whereupon, they be released on the same bail/surety bonds as had been furnished by them at the time of granting bail. They are also directed to furnish an undertaking by way of an affidavit that they will appear on each and every date of hearing before the learned trial Court, unless specifically exempted by the Court. They shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

13. The present petition is accordingly allowed.

14. Before parting with this order, it is made abundantly clear that in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

07.04.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No