



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

228-2

CRM-M-32030-2021 (O & M)

Date of decision: 20.03.2026

VINOD KUMAR

...Petitioner

Versus

M/S AJOONI BIO TECH PTV.LTD.

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anand Vardhan Khanna, Advocate and
Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. JS Bhatia, Advocate for the respondent.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for setting aside the impugned order dated 17.02.2021, Annexure P-2, passed by learned Judicial Magistrate 1st Class, SAS Nagar (Mohali), in Criminal Complaint bearing No.NACT/724/2019 dated 29.07.2019, vide which he was declared as proclaimed person.

2. Learned counsel submits that the proclamation proceedings have been carried out during the period of Covid-19 pandemic, for which reference is made to order dated 17.02.2021 and the fact that the same was effected on 05.02.2020 and 30 days had also expired. This Court vide order dated 30.09.2021, on the undertaking given by the petitioner to appear before the trial Court on 12.10.2021, had ordered that no coercive

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steps shall be taken against him. He refers to order dated 20.01.2022, wherein he was granted bail and continued to appear before the said Court, till an interim order dated 14.03.2023 in the connected petition being CRM-M-18056-2022 was passed, directing the trial Court to adjourn the case beyond the date fixed therein. His absence was neither wilful nor deliberate and only on account of the reason aforesaid.

3. The aforesaid facts have been affirmed by the learned counsel for the respondent, who has no objection to the prayer made.

4. Heard the learned counsel for the parties.

5. 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.PC. 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.

6. 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.

7. Pertinently, the absence of the petitioner was not deliberate, but on account of Covid-19 pandemic. He having joined the proceedings in the trial as per order dated 20.01.2022, can be factored to conclude that the very purpose of initiation of proclamation proceedings, that was to compel and secure his presence to face the trial and establish the rule of law, so as to ensure finalization of the proceedings, stood nonetheless

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achieved.

8. In view of the above, the present petition is hereby allowed and impugned order dated 17.02.2021, Annexure P-2 is set aside.

20.03.2026
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(AMAN CHAUDHARY)
JUDGE

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