



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

123

**CRM-M-25986-2026
Decided on : 08.05.2026**

Ajay Sood

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Ms. Isha Goyal, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS petitioner is seeking quashing/setting aside of order dated 10.10.2025(Annexure P-10), whereby the petitioner has been declared as proclaimed Person/offender in criminal complaint bearing No. COMA No.1543 of 2023 dated 27.09.2023, alongwith consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that a criminal complaint bearing No. COMA-1543-2023 was filed by the Drug Inspector-cum-Ex-officio APP against the petitioner and his firm in the year 2023. It is submitted that petitioner was never duly served in the said complaint and that even the bailable or non-bailable warrants, if any, issued against him were never received by the petitioner. Learned counsel further submits that there is no report on record before the learned Trial Court regarding service of notice or execution/service of bailable or non-bailable warrants upon the petitioner, yet he was declared a "Proclaimed Person" vide order dated 10.10.2025.

In such circumstances, learned counsel submits that continuation of proceedings against the present petitioner would amount to an abuse of the process of law. It is further submitted that after the petitioner was declared a proclaimed person, no consequential action has been taken, including

**CRM-M-25986-2026****- 2 -**

registration of any FIR under Section 209 of the BNS (corresponding to Section 174-A IPC).

Learned counsel further submits that the petitioner apprehends his arrest on account of having been declared a proclaimed person. However, he is ready and willing to surrender before the learned Trial Court and join the proceedings so as to facilitate the early conclusion of the case, and undertakes to fully cooperate with the trial proceedings.

It is further submitted that the petitioner's absence before the learned Trial Court was neither intentional nor deliberate, but occurred due to the reasons stated hereinabove. Lastly, learned counsel submits that if one more opportunity is granted to the petitioner by extending protection from arrest, he undertakes to remain present on all future dates of hearing, unless exempted by the Court, and shall fully cooperate for the expeditious conclusion of the trial.

3. Notice of motion.

4. On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

5. Learned State counsel opposes the prayer of the petitioner and submits that the petitioner has willfully remained absent from the proceedings before the learned Trial Court and, therefore, does not deserve any leniency. It is contended that the petitioner be directed to surrender before the Court and face trial.

However, learned State counsel fairly confirms that no further

**CRM-M-25986-2026****- 3 -**

consequential action has been taken pursuant to the impugned order, including registration of any FIR under Section 209 of the BNS (corresponding to Section 174-A IPC).

6. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner is inclined to join the process of law, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, by abiding to the terms and conditions.

7. In number of cases, wherein, accused stopped appearing in criminal cases, the Courts are compelled to declare accused as 'Proclaimed Person/Proclaimed Offender'. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realized that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste



CRM-M-25986-2026

- 4 -

energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case ***Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)***.

8. In the totality of circumstances, I am of the view that the petitioner may be granted one opportunity to appear before the trial Court so that the proceedings can recommence and continue smoothly. Accordingly, the plea of the petitioner is accepted to the extent of setting aside the impugned order dated 10.10.2025(Annexure P-10), whereby petitioner was declared a ‘proclaimed person/offender.’ Petitioner is directed to be released on bail upon his surrender before the trial Court on or before 25.05.2026.

9. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. In addition, petitioner shall submit a specific undertaking/affidavit affirming that he will regularly appear during the trial proceedings in the future, and that the proceedings shall not be delayed on account of his conduct.

**CRM-M-25986-2026****- 5 -**

10. However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

11. However, it is made clear that in case an FIR under Section 209 of the BNS (corresponding to Section 174-A IPC) has already been registered and the same is pending and not under challenge before this Court in the present proceedings, the instant order shall be deemed to be inoperative.

12. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

08.05.2026*rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*