2026:PHHC:084550

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.30714 of 2026
Date of decision: 27.05.2026

G Devdas @ Devadasan Govindan

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

*****

Present :- Mr. Rahul Aggarwal, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 07.11.2025 (Annexure P-4) passed by the learned Additional Sessions Judge, Ambala in SC-70-2020 titled as 'DCO Vs. Harpreet Singh Etc.' dated 27.03.2020, under Section 21 of Drugs and Cosmetics Act, 1940, whereby the bail granted to the petitioner was cancelled and bail/surety bonds were forfeited to the State. Further prayer has been made for quashing of impugned order dated 21.02.2026 whereby the proclamation under Section 82 Cr.P.C. was issued against the petitioner as well as impugned order dated 15.04.2026 whereby the petitioner was declared as proclaimed offender along with all consequential proceedings arising therefrom.

2. It has been contended by learned counsel for the petitioner

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that the petitioner has been falsely and frivolously prosecuted in a complaint case bearing SC No.70 of 2020, dated 27.03.2020 titled as DCO vs. Harpreet Singh and others, under the Drugs & Cosmetics Act, 1940. He has submitted that after the filing of the complaint case, the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Ambala vide order dated 30.11.2024. He has submitted that after granting the concession of regular bail, the petitioner was regularly appearing before the learned trial Court on each and every date. He has submitted that due to some personal difficulty, the petitioner as well as his counsel could not appear before the learned trial Court on the date fixed, i.e. 07.11.2025, thus, the learned Court trial vide order dated 07.11.2025, cancelled the bail of the petitioner and his bail bonds/ surety bonds were forfeited to the State. The learned trial Court has also issued non bailable warrants against the petitioner. He has submitted that thereafter vide order dated 21.02.2026, proclamation under Section 82/83 Cr.P.C. was ordered to be initiated against the petitioner. He has submitted that the learned trial Court vide impugned order dated 15.04.2026 declared the petitioner as proclaimed offender. He has submitted that the order declaring the petitioner as proclaimed offender is in violation of the provisions of Section 82 of Cr.P.C. as he was never served with any notice or warrant. He has relied upon the decisions passed by Hon'ble the Supreme Court in 'Krishna Sharma @ Krishna Kumar Sharma vs. The State of West Bengal and another' and by this Court in 'Paramjit Kumar @ Pamma vs. State of Punjab' 2025 NCPHHC 21434. He has submitted that the petitioner has good case on merits and absence of the petitioner is

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neither intentional nor willful. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed offender as he remained absent from the Court without any valid reason despite orders.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint case bearing SC No.70 of 2020, dated 27.03.2020 titled as DCO vs. Harpreet Singh and others, under the Drugs & Cosmetics Act, 1940. The petitioner was thereafter granted the concession of regular bail by the learned trial Court. However, the petitioner remained absent on one date, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and thereafter, as he was never served with any notice of proclamation under Section 82 of Cr.P.C., he was declared as proclaimed offender. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid

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facts, the present petition is disposed of and the impugned orders dated 07.11.2025, 21.02.2026 and 15.04.2026 are hereby *set aside* subject to payment of costs of Rs.25,000/- to be paid to **Punjab and Haryana High Court Dispensary Welfare Fund, Chandigarh** within a period of 07 days from today. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application along with receipt of deposit of above-said costs, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the impugned orders dated 07.11.2025, 21.02.2026 and 15.04.2026 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

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

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