



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

125

CRM-M-3867-2025

Date of decision: 27.01.2025

M/s Rubie Traders and Anr

.....Petitioners

Versus

M/s Lalit Enterprises and Anr

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Sindhu, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 17.11.2022 (Annexure P.2), order dated 21.07.2023 (Annexure P-3), order dated 25.09.2023 (Annexure P.4) issuing proclamation and order dated 30.10.2023 (Annexure P-7) passed by learned SDJM, Nabha in COMA/411/2019 titled as M/s Lalit Enterprises vs. M/s Rubie Traders whereby the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner submits that petitioner No.2 was not served at the correct address as the address of petitioner No.1 of which the petitioner No.2 is the sole proprietor as well as his residential address are different and therefore being unaware of the proceedings, he thus failed to appear before the trial Court. Vide order dated 30.10.2023, learned trial Court declared the petitioner as proclaimed person. He submits that the petitioner had no intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.



Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, orders dated 17.11.2022 (Annexure P.2), 21.07.2023 (Annexure P-3), 25.09.2023 (Annexure P.4) and 30.11.2023 (Annexure P-7) are quashed subject to the petitioner surrendering before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

The instant petition is disposed of in the aforesaid terms.

**(SANDEEP MOUDGIL)
JUDGE**

27.01.2025
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No