

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7818-2022 (O&M)
Reserved on: 29.10.2022
Date of Pronouncement: 09.11.2022

Kaleem Khan & another
...Petitioner (s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Pritish Sabharwal, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
436	29.7.2010	Faridabad Central, Faridabad	174A IPC

1. Petitioner seeks quashing of FIR and order of proclamation dated 10.10.2014, passed by JMIC , Faridabad, due to the default in appearances before the trial court, the petitioners have come up before this court.
2. Given the nature of order this court proposes to pass, no response is required from the respondent.
3. Ld. Counsel for the petitioners contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioners’ control.
4. The primary object of service is to secure the accused's presence in trial. The petitioners have approached this court on its own, establishing the *bona fide* at this stage. Without commenting on the case's merits, and in the facts and

circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 482 CrPC and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 482 CrPC, this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

5. In paragraph no. 2 and 4 of the petition the petitioners explain reasons for non appearance which was due to ill health of his newborn child .

6. **The petitioners are directed to surrender before the concerned court on or before Dec 15, 2022. Since the co-accused who had faced the trial, have already been acquitted, as such on appearance, the concerned court shall release the petitioners on bail on the same day, subject to furnishing bail bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the accused's conduct.** The petitioners are to execute a bonds for attendance in the concerned court. On the reverse page of personal bonds, the petitioners shall mention the permanent address, the address where the petitioners generally reside, the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioners shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court. The bail bonds shall remain in force throughout the trial and in Section 437-A of the Cr.P.C. if not canceled due to non-appearance or breach of conditions.

7. The order vide which the petitioners were declared a proclaimed offender, all warrants, LOC, and all consequent proceedings in the FIR shall remain stayed *qua* the petitioners, till Dec 15, 2022. **It is clarified that if the petitioners appear before the concerned court, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.**

8. By the next date, the petitioners shall deposit a sum of rupees ten thousand in the following account and hand over its receipt to the trial court.

Account Name - HARYANA POLICE WELFARE FUND
Account No. - 50100097073807
Account Type - Saving Account
Bank Name - HDFC Bank, Sector-8, Panchkula
IFSC Code - HDFC000108

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent and subject to the conditions mentioned above.

All pending applications, if any, stand disposed.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

November 09, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.