

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11458-2022
Date of decision: 17.03.2022

Sukhdeep Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Ranbir Singh Rawat, Advocate
for the petitioner(s).

Mr. H.S. Multani, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
147	16.08.2013	Kurali	21/61/85 NDPS Act

Seeking quashing of the FIR captioned above as well as proclamation order dated 27.04.2017 (Annexure P-4), the accused has come up before this Court under Section 482 CrPC.

2. After arguing for some time, when this petition has been opposed by learned State counsel on merits, learned counsel appearing for the petitioner submits that he would not press this petition regarding quashing of FIR and confines his prayer to the extent that this Court direct the trial Court to release the petitioner on bail in case he surrenders before it. He has submitted that when the impugned order dated 27.04.2017 was passed, the petitioner was not in India and now, he is willing to come back to India and join the proceedings in the case.
3. Notices served upon the official respondent(s) through the State's counsel. Given the nature of order this Court proposes to pass, no notice is required to be issued to the complainant.
4. I have heard learned counsel for the parties and gone through the pleadings.

5. The petitioner is stated to have faced trial and all PWs stand examined and the case was fixed for defence evidence/arguments. However, the petitioner with a presumption that he will get acquitted in the case, left India without permission and due to his absence before the trial Court, he has been declared as proclaimed offender. The explanation offered by the petitioner is mentioned in paragraphs 5 to 7 of the petition.

6. Admittedly, the trial is being delayed due to non-presence of the petitioner and this Court feels that ends of justice will be met if the petitioner is given an opportunity to surrender before the trial Court.

7. **Accordingly, the petition is allowed to the extent that the petitioner shall appear before the trial court on the next date fixed and in case the next date is after thirty days, then the petitioner shall appear or within thirty days from today. If the petitioner fails to appear within the stipulated time, this order shall stand recalled automatically under section 482 read with 362 CrPC, without further reference to this court.**

8. Ld. trial court would release the petitioner on bail to its satisfaction and also on the following terms and conditions, apart from any other condition which the Court may impose, and all these conditions shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

9. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with 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 petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

10. The petitioner to also execute a bond for attendance in the concerned Court(s), as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order.

11. The bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the Cr.P.C.

12. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

13. There has been a lot of delay in this trial, and the causality is the justice delivery system. Given this, the court is affording a final opportunity to the accused with the condition that he shall appear every day, and in case he fails to appear, then it shall be open for the trial court to cancel the bail and forfeit the bonds. Furthermore, if the accused's counsel seeks adjournment or fails to appear, the trial court shall appoint a legal aid counsel and proceed with the trial. Since the complaint is old, and the trial has been delayed, as this court requests, the trial court will expedite the trial and complete it within three months from today.

14. 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.

15. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner 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 Id. trial court wants to verify the authenticity, it can also verify its authenticity and may download and use the downloaded copy for its record.*

Petition allowed in aforesaid to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 17, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.