

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28209-2022 (O&M)
Reserved on: 09.09.2022
Pronounced on: 14.09.2022

Neelam Oswal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Simsi Dhir Malhotra, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
66	18.05.2006	Mukerian, District Hoshiarpur	406, 409 IPC

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants and proclamation, vide order dated 23.12.2006, passed by JMIC, Dasuya, due to the default in appearances before the trial court, the petitioner has come up before this court.
2. The nature of order this Court proposes to pass, no response is required from the respondent.
3. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control. The central plank of the petitioner's lack of knowledge is the death certificate of Prem Bahadur, the petitioner's watchman and caretaker. Annexure P-7 mentions the date of death in the death certificate as 17-09-2006, whereas Prem Bahadur had appeared before the concerned court on 16-09-2006 and had made a statement about the petitioner not residing at the address. Thus, the argument is misconceived and with a view to create confusion. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner.

4. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide 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. **The interim order dated Jul 6, 2022, is extended till Sep 30, 2022. There shall be a stay of the petitioner's arrest in the above captioned FIR, and all warrants in the case mentioned above shall remain in abeyance and shall not be executed till Sep 30, 2022.**

6. The petitioner is directed to surrender before the concerned Court on or before Sep 30, 2022. ***On appearance, the concerned court shall release the petitioner 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 petitioner is to execute a bond for attendance in the concerned court. On the reverse page of personal bonds, the petitioner shall mention the permanent address, the address where the petitioner generally resides, 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. 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. **It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned Court against the petitioner in the matter mentioned above shall stand recalled and canceled. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall stand recalled automatically under section 362, read with 482 Cr.P.C., without any further reference to this court.**

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

“AJIT SINGH POLICE WELFARE FUND”

ACCOUNT NO. 12171450000081,
HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH- 160015,
RTGS/NEFT IFSC: HDFC0001217,

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 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 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

14.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.