

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43389-2022
Date of decision:-20.09.2022

Gurbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yaseen Sethi, Advocate and
Mr. Varinder Basa, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

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ANOOP CHITKARA, J.

Complaint No.	Dated	Pending Before	Sections
NACT/2823/ 2019	29.05.2019	JMIC, Amritsar	138 of Negotiable Instruments Act

1. Seeking bail upon the cancellation of bail and issuance of non-bailable warrants and proclamation, vide order dated 30-04-2022, passed by the concerned Trial court, due to the default in appearances before the trial court, the petitioner has come up before this court under section 438 CrPC; however, on the oral request of the petitioner's counsel, the number 438 shall be read as 482, and this petitioner is treated as under 482 CrPC.

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 because he was never served, and thus, was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control.

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

SONIA ARORA to this case, and also for the reasons mentioned above, the ends of justice would meet.
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I attest to the accuracy and
integrity of this document

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 petitioner is directed to surrender before the concerned court on or before Oct 10, 2022, and on such 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, preferably that number which is 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.

6. The petitioner shall pay a cost of rupees five thousand to the complainant by the next date, by the mode as approved by the concerned trial court or as acceptable to the complainant.

7. The order vide which the petitioner was declared a proclaimed offender, all warrants in the above mentioned complaint shall remain stayed qua the petitioner, till Oct 10, 2022, 4 PM. **It is clarified that if the petitioner fails to 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. 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.

9. *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

20.09.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.