

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43125-2022
Date of Decision: 19.09.2022

Satnam Singh and another Petitioners
Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Dheeraj Mahajan, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

Complaint No.	Dated	Sections	Titled
COMI/81/2018	26.07.2018	427, 506 IPC	Randhir Singh Versus Satnam Singh and another (Pending in the Court of learned Illaqa Magistrate, Pathankot)

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants of arrest, vide order dated 23-08-2022 passed by JMFC, Pathankot, Punjab, due to the default in appearances before the trial court, the petitioners have 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 petitioners contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to misreading of the stay order. 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 petitioners.
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 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 petitioners, subject to compliance with the conditions mentioned in this order.

5. The petitioners is directed to surrender before the concerned court on or before Oct 10, 2022. ***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 bonds for attendance in the concerned court. On the reverse page of personal bonds, the petitioners shall mention the permanent address, the addresses where the petitioners generally reside, preferably that mobile 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 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.

6. **It is clarified that if the petitioners appear before the concerned court, then all warrants issued by the concerned court against the petitioners in the matter mentioned above shall stand recalled and canceled. It is clarified that if the petitioners fail 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 CrPC, without any further reference to this court.**

7. By the next date, the petitioners shall pay a sum of rupees five thousand each (Total Ten thousand) to the complainant, in the manner and mode as stated by the Trial court, and hand over its receipt to the trial court.

8. Any observations 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 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

19.09.2022/Jyoti-II