

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-43067-2022
Date of Decision: 20.09.2022

R.S. Sirohi ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankur Malik, Advocate for the petitioner.

Ms. Shubhra Singh, Advocate for the respondent-CBI

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
3	07.01.2006	Crime Branch, CBI Chandigarh	420, 120-B IPC; 13(2), 13(1)(d) Prevention of Corruption Act, 1988 and 16/19 of Prevention of Food Adulteration Act, 1954

1. Challenging the order of issuance of non-bailable warrants and proclamation, vide order dated 06-09-2022, passed by Special Judge, CBI Punjab, SAS Nagar (Mohali) 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 is his backache; however no supportive documents are attached. 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 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 Cr.P.C 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 Cr.P.C, 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 appear before the concerned court on 11 Oct 2022. 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 CrPC, without any further reference to this court.

6. 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.

Account Name – CBI CHANDIGARH WELFARE SOCIETY
Account No. - 38044575783
Account Type - Saving Account
Bank Name – State Bank of India, Sector 30, Chandigarh
IFSC Code – SBIN0001443

7. 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.

8. *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 compliance of conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.09.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.