

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CRM-M-45274-2022
Date of Decision: 30.09.2022

Sapna Rani

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jimmy Singla, Advocate,
for the petitioner.

Ms. Meghma Malik, Advocate for
Ms. Shubhra Singh, Advocate
Standing counsel for CBI.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
RCCHG2006 A0003	07.01.2006	Chandigarh CBI, ACB, Chandigarh	420 read with Section 120-B IPC and Section 13 (2) read with Section 13(1)(d) of the Prevention of Corruption Act and Sections 16, 19 of Prevention of Food Adulteration Act.

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants vide order dated 06.09.2022, 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 explanation is at para 3. 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 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 surrender before the concerned court on or before 15 Oct 2022.

6. It is clarified that if the petitioner appears before the concerned court, then the impugned order shall stand quashed and set aside and also all the 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.

7. By the next date, the petitioner shall deposit a sum of rupees five 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

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.

(ANOOP CHITKARA)
JUDGE

30.09.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.