

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45820-2022
Date of Decision: 30.09.2022

Sawinder Pal Singh @ Sawinder Singh @ Surinder Singh @ Surinder Pal singh @ Shinder
...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
8	26.07.2020	Special Operation Cell, District Amritsar	21, 22, 25, 27-A, 29 of NDPS Act and Sections 25 & 27 of Arms Act.

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants, vide order dated 08.04.2022 passed by Additional Sessions Judge, Amritsar, 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 5 of the petition. 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 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 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,

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.