

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51011-2022
Date of decision: 03.11.2022

Rattan Chand ...Petitioner

Versus

Kulwinder Raj and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: None.

ANOOP CHITKARA, J.

Complaint No.	Dated	Pending before	Sections
CIS No. NIAT/685-2019	06.09.2019	JMIC Pathankot	138 of Negotiable Instruments act, 1881

1. Challenging the order of issuance of non-bailable warrants and proclamation, vide order dated 02.12.2021, passed by JMIC , Pathankot , 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. In paragraph 4 of the petition, the petitioner contends that the non-appearance was unintentional, without any endeavour to delay the trial and due to factor 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 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

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 Dec 15, 2022. 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 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.

7. The order vide which the petitioner was declared a proclaimed offender, all warrants, LOC, and all consequent proceedings in the complaint shall remain stayed qua the petitioner, till Dec 15, 2022. **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. 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,

9. 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.

10. *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

03.11.2022
sonia arora

Whether speaking/reasoned:	Yes
Whether reportable:	No.