

CRM-M-53581-2022

114 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-53581-2022 (O&M)
Decided on: 23.11.2022

Deepak @ Manish Verma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Thakur, Advocate
for the applicant-petitioner.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
256	18.12.2021	Adampur, District Jalandhar City	379, 411, 482 IPC

1. Challenging the order dated 26.8.2022 passed by JMIC, Jalandhar, due to the default in appearances before the trial court, the petitioner who has been declared as proclaimed person, has come up before this court.
2. Given the nature of order this court proposes to pass, no response is required from the respondent.
3. Earlier, the petitioner had filed a similar petition i.e. CRM-M-41320-2022 with same prayer and this Court vide order dated 12.9.2022, stayed his arrest for 10 days subject to his appearing before the trial Court and depositing a sum of Rs.10,000/- with the High Court Lawyers Welfare Fund within 15 days. However, the petitioner neither appeared before the trial Court nor deposited the said amount. Now, the petitioner he filed the present petition and today, he has handed over a demand draft of Rs.10,000/- in favour of High Court Lawyers

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Welfare Fund to learned State counsel in Court and has undertaken to appear before the trial Court. Learned State counsel shall deposit the said demand draft in the High Court Lawyers Welfare Fund.

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 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.

6. The order vide which the petitioner was declared a proclaimed offender, all warrants, LOC, and all consequent proceedings in the FIR shall remain stayed *qua* the petitioner, till Dec 15, 2022 and in case the petitioner appears before the concerned Court till 15.12.2022, the impugned order dated 26.8.2022 shall stand quashed, warrants cancelled and bonds restored. **However, it is clarified**

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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.

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 conditions mentioned above.

All pending applications, if any, stand disposed.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

November 23, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.