

CRM-M-58424 of 2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-49288-2022 in/and
CRM-M-58424 of 2022
Date of decision: -19.12.2022

Arsh Kumar @ Arshdeep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Rakesh Kumar, Advocate,
for the applicant/petitioner.

Mr. Ravinder Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

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This application has been filed under Section 482 Cr.P.C. for placing on record the interim orders passed by the trial Court after 09.04.2019 in the trial in a case bearing FIR No.48 dated 22.04.2018 under Sections 326/324/323/341/506/148/149 of IPC and Sections 25/27 of Arms Act registered at Police Station Mehatpur, District Jalandhar (Annexure P-8) and true typed copy of the same.

In view of the averments made in the application, the same is allowed and document as Annexure P-8 is taken on record subject to all just exceptions.

CRM stands disposed off.

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This second petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 09.04.2019 (Annexure P-3) passed by the Court of learned Judicial Magistrate Ist Class, Nakodar, District Jalandhar, in case FIR No.48 dated 22.04.2018 under Sections 326/324/323/341/506/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station Mehatpur, Tehsil Mehatpur, District Jalandhar (Rural), whereby the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that the non-appearance of the petitioner was because he had gone abroad, and thus, was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control. He further submits that in the present case compromise has been effected between the parties vide compromise dated 10.10.2022 (Annexure P-4) and petition bearing CRM-M-55509 of 2022 (Annexure P-5) for quashing the FIR in question on the basis of compromise is pending before this Court for 22.12.2022 wherein parties have been directed to get recorded their statements with regard to genuineness of compromise.

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

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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.

The petitioner is directed to surrender before the concerned Court on or before 16.01.2023. 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 cancelled due to non-appearance or breach of conditions.

The order vide which the petitioner was declared a proclaimed offender, all warrants, LOC, and all consequent

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proceedings in the FIR shall remain stayed qua the petitioner, till 16.01.2023. It is clarified that if the petitioner fails to appear before the concerned Court, then this order shall stand recalled automatically under Section 362Cr.P.C. read with Section 482 CrPC, without any further reference to this Court.

The petitioner shall deposit a sum of Rs.10,000/- with the Punjab and Haryana High Court Bar Association and hand over its receipt to the trial Court.

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.

Petition is allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

19.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No