

134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59989-2022 (O&M)
Date of decision:23.12.2022

Jitendra M Gada

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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ANOOP CHITKARA, J.

Complaint No.	Dated	Pending before	Sections
NACT/2130	06.02.2017	JMIC Gurgram	138/142 NIA

1. Challenging the order of proclamation, dated 05.08.2019, passed by JMIC, Gurugram, 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. In para 4 of the petition, the petitioner explains reasons for non-appearance which was due to some unavoidable circumstances.

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

SONIA ARORA to Justice and Justice to the guilty. Thus, exercising the inherent powers under section
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I attest to the accuracy and
integrity of this document

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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 13.01.2023**. On appearance, the concerned court shall release the petitioner on bail on the same day, subject to furnishing bail in the following terms and imposing reasonable conditions, as it may deem appropriate in the background of the accused's conduct.

6. The petitioner to execute a bond for attendance in the concerned court. On the reverse page of personal bonds, the petitioner shall mention the permanent address, along with the phone number preferably that number which is 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.

7. The order vide which the petitioner was declared a proclaimed offender, all warrants, LOC, and all consequent proceedings in the above mentioned FIR shall remain stayed qua the petitioner, till 13.01.2023. **It is clarified that if the petitioner fails to appear before the concerned court, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.**

8. This order is subject to the petitioner(s) depositing a sum of rupees ten thousand (each), by the above-mentioned date, in the following account and hand over its receipt to the trial court.

Account Name - **HARYANA POLICE WELFARE FUND**
 Account No. - 50100097073807
 Account Type - Saving Account
 Bank Name - HDFC Bank, Sector-8, Panchkula
 IFSC Code - HDFC000108

9. It is clarified that till the time the petitioner(s) appear before the concerned court, they shall not visit any other place except the home, and in case they want to stay in another place, they shall intimate the address of the such place to the concerned SHO by e-mail, by attaching the copy of this order. In case of any violation on this account, this order shall stand recalled automatically without any further reference to this court.

10. 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.

11. *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

23.12.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.