

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-6377-2023 (O&M)
Decided on: 07.02.2023

Beant Kaur

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
 Mr. Nikhil Ghai, Advocate and
 Mr. Malini Singh, Advocate
 for the petitioner.

 Mr. Manish Bansal, DAG, Haryana.

 Mr. R.S. Dhaliwal, Advocate for
 Mr. Rajeev Anand, Standing counsel for CBI.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
147	26.08.2017	Sirsa Sadar, Distt. Sirsa	124A, 147, 148, 149, 186, 188, 307, 332, 353, 395, 427, 435, 436 IPC and Sections 3,4 of PDPP Act (Section 333 IPC and 25 of Arms Act added later on)

CRM-5956-2023

Allowed, as prayed for.

Main case

Challenging the order of issuance of non-bailable warrants and proclamation, vide order dated 03.01.2019, passed by the learned Judicial Magistrate Ist Class, Sirsa, 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 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.

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. In para 6, the petitioner mentioned the reasons of non-appearance.

6. **The petitioner is directed to surrender before the concerned court on or before 28.02.2023. 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.**

7. 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.

8. 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 28.02.2023. **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.**

9. 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”

10. 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.

11. 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.

12. *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

07.02.2023
anju rani

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