

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9427-2023
Reserved on: 22.02.2023
Pronounced on: 11.04.2023

Ikattar Teji alias Rummi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
109	09.07.2016	Mehatpur, Distt. Jalandhar Rural	174-A IPC, 1860

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 CrPC seeking quashing of the order dated 16.01.2023, whereby the petitioner has been declared as proclaimed offender. On 22-02-2023, this court had passed the following order in this matter,

"The present petition has been filed for quashing of impugned order dated 16.01.2023, vide which the petitioner was declared proclaimed offender. But on query put by this Court that whether the petitioner had surrendered or he is appearing before the trial Court, the petitioner's counsel submits that he is not appearing.

At this stage petitioner's counsel submits that on his oral request, prayer in this case be altered to the prayer to appear before the concerned Court within the time bound manner and on such appearance, he be released on bail, with liberty to approach this court for the other prayers mentioned in the present petition including quashing of proclamation order."

2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared proclaimed person vide order dated 16.01.2023.

3. The nature of order this court proposes to pass, no response is required from the respondent.

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4. The petitioner's counsel contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control.

5. 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.

6. The petitioner is directed to surrender before the concerned court **on or before 25.04.2023**. 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 25.04.2023. **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, by the above-mentioned date, in the following account and hand over its receipt to the trial court.

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Account Name - **AJIT SINGH POLICE WELFARE FUND**
Account No. 12171450000081,
HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH-
160015, RTGS/NEFT IFSC: HDFC0001217,

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. Liberty reserved to challenge proclamation order.

(ANOOP CHITKARA)
JUDGE

11.04.2023
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.