

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130-A

CRM-M-15797-2023
Decided on: 13.04.2023

Gursev Singh ...Petitioner

Versus

I.D.B.I. Bank Limited ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jagjot Singh Lalli, Advocate for the petitioner.

ANOOP CHITKARA, J.

Complain No.	Dated	Titled
NACT No. 03/2017	02.01.2017	IDBI Vs. M/s Ram Hari Motors Pvt. Ltd.

1. Challenging the issuance of proclamation order vide order dated 12.12.2022, passed by JMIC, Chandigarh 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. 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.
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. That on 05.12.2022 the Court was on leave and the case was adjourned to 12.12.2022.

6. **The petitioner is directed to surrender before the concerned court on or before 29.04.2023. 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.**

7. 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.

8. The order vide which proclamation against the petitioner was issued in above said complaint shall remain stayed qua the petitioner, till 29.04.2023. **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. By the next date, the petitioner shall deposit a sum of rupees ten thousand in the complainant's account and hand over its receipt to the trial 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

13.04.2023

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Whether speaking/reasoned:

Yes

Whether reportable:

No.