

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CRM-M No. 17933-2023
Date of decision: 13.04.2023

Jatinder KumarPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Navjot Singh, Advocate for the petitioner(s).

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA J.

Criminal Complaint	NACT-82-2019 dated 23..01.2019 under Section 138 of the Negotiable Instruments Act, 1881, District Hoshiarpur
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1. Apprehending arrest after issuance of proclamation, vide order dated 22.11.2022, passed by JMIC, Hoshiarpur due to the default in appearances before the trial court, the petitioner has come up before this court u/s 438 Cr.P.C.
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. 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 15.05.2023. 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.**

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 15.05.2023. **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 Rs. 5000/- by the above-mentioned date, in the following account and hand over its receipt to the trial court. He shall also handed over Rs.10,000 to the complainant.

“AJIT SINGH POLICE WELFARE FUND”
ACCOUNT NO. 12171450000081,
HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH- 160015,
RTGS/NEFT IFSC: HDFC0001217,

9. 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.

10. *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 partly allowed to the extent 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.