

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CRM-M-47875-2023
Decided on: 21.09.2023

Yogesh Kumar @ Kaku

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravinder Singh, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
01	06.01.2020	Pojewal, District SBS Nagar	7 & 8 of Prevention of Corruption Act 1988 and Section 482 IPC

Seeking the quashing of order dated 09.01.2023 (Annexure P-2), the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. Petitioner was arraigned as an accused in the above-captioned matter and was on regular bail. On petitioner failure to appear on 09.01.2023 before the trial Court, the concerned Court proceeded against the petitioner by issuing non-bailable warrants and finally proceeded under section 82 of CrPC and directed petitioner to surrender on or before 07.10.2023.

3. The point to which the petitioner wants to draw the attention of this court is that the absence was not willful and was 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

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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. The petitioner is directed to surrender before the concerned court **on or before 30.09.2023**. 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. There shall be a stay of the petitioner's arrest in the case mentioned above till the date of his surrender i.e 30.09.2023. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner, in the matter mentioned above shall stand recalled and cancelled. **It is clarified that if the petitioner fails to appear before the concerned court within time limit mentioned in this order, then this order shall stand recalled automatically under section 362 read with 482 CrPC, without any furtherance reference to this court.**

7. This order shall not effect any proceedings in any manner, initiated by the trial Court under Section 446 CrPC.

8. 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.

9. By the next date i.e. upto 30.09.2023, the petitioner shall deposit a sum of rupees ten thousand in the Vigilance Bureau Fund and details of the said fund be supplied to the petitioner by State counsel within seven days from today. In case details of Vigilance Bureau Fund are not supplied to the petitioner within seven days, amount be deposited in following account and hand over its receipt to the trial court.

"AJIT SINGH POLICE WELFARE FUND"
ACCOUNT NO. 12171450000081,
HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH- 160015,
RTGS/NEFT IFSC: HDFC0001217,
IFSC Code - HDFC000108"

Petition allowed subject to the compliance mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.09.2023

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Whether speaking/reasoned: Yes

Whether reportable: No.