

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-53312-2022 (O&M)

Reserved on: 04.05.2023

Pronounced on: 22.05.2023

Sandeep Singh

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner(s).

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
5	5.2.2016	Mattewal, District Amritsar Rural	304-A, 279, 337, 338, 427 IPC (Section 304-A IPC was replaced by Section 304 IPC and Section 473 added later on)

1. Challenging the order of proclamation, vide order dated 19-12-2016, passed by SDJM,Baba Bakala Sahub , 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 if the petitioner is given a chance to appear. 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. The petitioner is directed to surrender before the concerned court **on or before July 15, 2022**. 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. 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 July 15, 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.**

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

8. 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.

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 allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

May 22, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No