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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4879-2024

Decided on: 31.01.2024

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Shubhra Singh, Addl. AG, Haryana.

* * * *

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	14.11.2019	SVB Hisar, District Hisar, Haryana	7 & 8 of Prevention of Corruption Act 1988 (Section 389 & 120B IPC added later on)

Challenging the order of issuance of non-bailable warrants on dated 20.11.2023 passed by Additional Sessions Judge, Fatehabad, due to the default in appearances before the trial court, the petitioner has come up before this court by filing the present petition under Section 482 CrPC.

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

3. I have heard counsel for the petitioner and gone through the petition. As per Annexure P-2, petitioner was earlier granted regular bail under Section 439 CrPC, vide order dated 17.08.2020 passed in CRM-M-3555-2020. After commencement of the trial, the petitioner did not appear which lead to the issuance of the non-bailable warrants.

4. Petitioner's counsel on instructions submits that the petitioner undertakes to appear on each and every date unless it is beyond his control and also undertakes not to delay the trial whatsoever in any manner. Counsel further submitted that except on this time, petitioner has already appeared on each and every date. He further contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due

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to factors beyond the petitioner's control. The central plank of the explanation is para 7. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner.

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. The petitioner is directed to surrender before the concerned court preferably on 01-02-2024 and not later than 03-02-2024.

6. It is clarified that if the petitioner appears before the concerned court, then the impugned order shall stand quashed and set aside and also all the warrants issued by the concerned court against the petitioner in the matter mentioned above, shall stand recalled and canceled. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.

7. By the next date, the petitioner shall deposit a sum of Rs.5,000/- with the Fatehabad (Haryana) Bar Association and Rs. 5,000/- in the following account and hand over its receipt(s) to the trial court preferably while surrendering and not later than the Court time of the date when he surrenders.

Account Name - HARYANA POLICE WELFARE FUND
Account No. - 50100097073807
Account Type - Saving Account
Bank Name - HDFC Bank, Sector-8, Panchkula
IFSC Code - HDFC000108

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.

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9. *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.

(ANOOP CHITKARA)
JUDGE

31.01.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.