

CRM-M-21653-2024
Decided on: 01.05.2024

Harish Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Maninder S. Saini, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	23.08.2016	Vigilance Bureau, Jalandhar	409, 420, 120-B IPC and Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act

1. Aggrieved by order of cancellation of bail and issuance of non-bailable warrants and proclamation, vide order dated 12.04.2024 (Annexure P-3), passed by Additional Sessions Judge (I), Jalandhar, due to the default in appearances before the trial court, the petitioner has come up before this court under section 438 r/w 482 of Code of Criminal Procedure, 1973 (CrPC).
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 of ill health of the petitioner, and thus, was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s control.
4. Petitioner’s counsel submits that petitioner was released on regular bail by Coordinate Bench of this Court vide order dated 19.10.2016 passed in CRM-M-34992-2016. Thereafter, petitioner appeared before the trial Court and continuously appeared on all the dates till 15.03.2024. Thereafter, on 12.04.2024, petitioner was suffering from

fever and he informed his counsel to seek exemption from personal appearance but as asked by counsel, petitioner was unable to sought medical advice from doctor, therefore due to non-appearance, trial Court issued non-bailable warrants against the petitioner on 15.05.2024.

5. 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.

6. **The petitioner is directed to surrender before the concerned court on or before 16.05.2024 and file a bail petition. Since the petitioner was earlier granted bail, as such on appearance, 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 shall not be arrested till 16.05.2024, 10 PM and it is clarified that if the petitioner appears before the concerned court by this date, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.

8. By the next date, the petitioner shall deposit a sum of rupees ten thousand in the account of **PGI Poor Patient Welfare Fund** and hand over its receipt to the trial 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.*

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

(ANOOP CHITKARA)
JUDGE

01.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.