

CRM-M-27456-2024

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.27456 of 2024 (O&M)
Date of Decision: 21.08.2024

Kailash Nath ...Petitioner

Versus

State of U.T. Chandigarh and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P. U.T., with ASI-Surjit Singh
for the respondent-U.T., Chandigarh.

ANOOP CHITKARA, J.

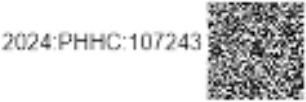
Complaint case	NACT No. 10086 of 2019 titled as Taranpal Singh Arneja Vs. Kailash Nath under Section 138 of the Negotiable Instruments Act, 1881
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Seeking quashing of impugned order dated 18.09.2023 passed by Sub Divisional Judicial Magistrate, U.T. Chandigarh in complaint case captioned above, the petitioner has come up before this Court under Section 482 Cr.P.C.

2. Notice served upon the official respondent through State counsel. The nature of order this court proposes to pass, no response is required from the respondent.

3. Ld. Counsel for the petitioner contends that non-appearance was because of miscommunication about the next date of hearing, 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. Furthermore, without adjudicating the maintainability of this petition under section 528 BNSS and leaving that question open; given the explanation offered by the accused



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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 528 BNSS, 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 31.08.2024 by 11 AM and file a bail petition and avail legal remedy in accordance with law.**

6. The petitioner shall not be arrested till 31.08.2024 at 10 PM and it is clarified that **if the petitioner does not appear before the concerned court by this date, then this order shall stand recalled automatically under section 403, read with 528 BNSS, without any further reference to this court.**

7. 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.

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. *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

21.08.2024

Sonia Puri
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No.