

CRM-M-27568-2024
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27568-2024
Decided on: 29.05.2024

Jaskaran Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
31	05.04.2021	Chabbewal, District Hoshiarpur	379B, 34 IPC (offence u/s 411 IPC added subsequently)

1. Aggrieved by the order dated 16.05.2024, vide which, non-bailable warrants were issued against the petitioner by Additional Sessions Judge, Hoshiarpur in case bearing number CISNo.SC/373/2021 arising out of the FIR captioned above, due to the default in appearances before the trial court, the petitioner has come up before this court under section 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. Petitioner’s counsel submits that petitioner was released on bail by Additional Sessions Judge, Hoshiarpur vide order dated 23.08.2021. Counsel for the petitioner by making reference to para 6 of the petition, contends that the non-appearance was due to the reason that he noted wrong date of hearing and therefore he was unable to appear on 16.05.2024. He further submits that petitioner was appearing before the trial Court regularly prior to that date.



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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 on or before 07.06.2024 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.**

6. The petitioner shall not be arrested till **10 PM** on **07.06.2024**, and it is clarified that this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court, after 10 AM on 08.06.2024.

7. 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.

8. *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

29.05.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.