

CRM-M-28420-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28420-2024
Decided on: 30.05.2024

Pardeep Singh @ Deep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gagandeep Kumar Tiwari, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
178	27.12.2018	Phase-11, District Mohali	61/1/14 of Excise Act

1. Aggrieved by the order dated 02.01.2024, vide which the petitioner was declared proclaimed offender by JMIC, SAS Nagar, Mohali, in 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. Ld. Counsel for the petitioner contends that the non-appearance was because of ill health of the petitioner’s father, who has expired on 05.11.2023 and death certificate is annexed at Annexure P-4. He further submits that non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s control. Counsel further submits that petitioner was continuously appearing on all the dates till 02.01.2024.
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.



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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 07.06.2024, 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 on 08.06.2024 at 10 AM.

7. The petitioner shall deposit a sum of rupees five thousand in the account of **Poor Patient Welfare Fund, PGIMER, Chandigarh** 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

30.05.2024

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Whether speaking/reasoned:

Yes

Whether reportable:

No.