



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRM-M-28105-2024
Decided on: 20.08.2024

Akashdeep Singh @ Ashu ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Singla, Advocate for the petitioner.

Ms. Swati Batra, D.A.G., Punjab.
(through video conferencing).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
282	19.11.2022	Civil Lines, Bathinda	302, 34 IPC and 25, 27, 30, 54, 59 of Arms Act

1. Challenging the order of proclamation on being declared a proclaimed offender in the FIR captioned above, the petitioner has come up before this court under section 482 of Code of Criminal Procedure, 1973 (CrPC).
2. Counsel for the petitioner has referred to para No. 4 of the petition and submits that there was miscommunication between the petitioner and his counsel which led to non-appearance which was not intentional and bonafide. He undertakes to appear before the trial Court on each and every date of hearing.
3. Notice served upon the official respondent through state counsel. The nature of order this court proposes to pass is such that no response is required from the respondent.
4. State counsel submits that there is no infirmity or illegality in the proclamation order whereas petitioner was duly served.
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 27.09.2024 and avail legal remedy in accordance with law.**

7. The petitioner shall not be arrested till 27.09.2024, 11 AM and **it is clarified that this order shall stand recalled automatically under sections 482, 362 CrPC and 403 read with 528 BNSS, 2023 without any further reference to this court, after 11 AM on 27.09.2024).**

8. The petitioner shall deposit a sum of rupees ten thousand in the account of **Poor Patient Welfare Fund, PGIMER, Chandigarh** and handed 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.*

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

**(ANOOP CHITKARA)
JUDGE**

20.08.2024
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.