



119

CRM-M-37978-2024
Decided on: 07.08.2024

...Petitioners

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ritesh Pandey, Advocate
For the petitioner.

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

ANOOP CHITKARA, J.

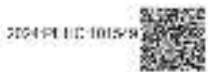
FIR No.	Dated	Police Station	Sections
46	09.05.2020	City Morinda, Distt. Rupnagar	420, 406, 506 IPC

1. Challenging the order of issuance of non-bailable warrants, vide order dated 03.06.2024 passed by the CJM, Rupnagar, due to the default in appearances before the trial court, the petitioner has come up before this court.

2. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner.

3. Notice served upon the official respondent through State counsel, who seeks time to have instructions. The nature of order this court proposes to pass, no response is required from the State.

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.



CRM-M-37978-2024

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 27.08.2024 by 2 PM and avail legal remedy available to them. Till 27.08.2024 by 5PM all warrants, if any issued pursuant to impugned order, shall remain stayed and this order shall eclipse automatically on 27.08.2024 at 5 PM**

6. The petitioners shall deposit a sum of rupees 5,000/- each (Rs.20,000/- in total) in the account of **Poor Patient Welfare Fund, PGIMER, Chandigarh** and hand over its receipt to the trial court.

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

07.08.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.