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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39006 of 2024 (O&M)
Date of Decision: 12.08.2024

Usha Rani

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Dhillon, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab
(Through video conferencing).

ANOOP CHITKARA, J.

Complaint Case No.	452 NACT of 2020 titled as “Tejinder Singh Vs. Usha Rani” under Sections 138/143-A of Negotiable Instrument Act, 1881.
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Seeking quashing of order dated 30.11.2023 (Annexure P-1) in the complaint case captioned above whereby petitioner has been declared as proclaimed person, petitioner had come up before this Court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. State counsel submits that State of Punjab is unnecessary party and prayed for deletion of same from the array of parties. As such, State is deleted from memo of parties. Registry to make necessary corrections in this regard.
3. The nature of order this Court proposes to pass is such that no response is required from the respondent.
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 in the petition, the ends of justice would

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meet, if limited relief is given to the petitioner. Furthermore, without adjudicating the maintainability of this petition under section 528 BNSS 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 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 23.08.2024 by 11. 00 am and file a bail petition. 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.**

7. The petitioner shall not be arrested till 23.08.2024, 5.00 PM and any warrant or LOC issued shall stand stayed till that day. **It is clarified that this order shall stand recalled automatically under section 403, read with 528 BNSS, without any further reference to this court, after 5 PM on 23.08.2024.**

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

12.08.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.