



CRM-M-39887-2024

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.39887 of 2024 (O&M)
Date of Decision: 21.08.2024

Vikas Rawal ...Petitioner

Versus

State of Punjab and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

Complaint case	NACT No. 905 of 2018 titled as “Sunny Arora Versus Vikas Rawal” under Section 138 of the Negotiable Instruments Act, 1881
----------------	---

Seeking quashing of impugned order dated 02.09.2022 passed by Judicial Magistrate Ist Class, Amritsar in complaint case captioned above vide which the petitioner has been declared as a proclaimed person, the petitioner has come up before this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Notice served upon the official respondent through State counsel. The nature of order this court proposes to pass, no response is required from the respondent.
3. 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 528 BNSS, 2023 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, 2023, this court deems it appropriate to grant the following limited relief to

2024:PHHC:107297



CRM-M-39887-2024

the petitioner, subject to compliance with the conditions mentioned in this order.

4. **The petitioner is directed to surrender before the concerned court on or before 31.08.2024 by 11 AM and file a bail petition and avail legal remedy in accordance with law.**

5. The petitioner shall not be arrested till 31.08.2024 at 5 PM and it is clarified that **if the petitioner does not appear before the concerned court by this date, then this order shall stand recalled automatically under section 403, read with 528 BNSS, without any further reference to this court after 5 PM on 31.08.2024.**

6. 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.

7. *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**

21.08.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.