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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43476 of 2024 (O&M)
Date of Decision: 04.09.2024

Gori Shankar

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nirbhay Singh, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

Complaint Case No.	NACT/737/2020 titled as “Gulvinder Singh Versus Gori Shankar” under Sections 138 of Negotiable Instrument Act, 1881.
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Seeking quashing of order dated 12.12.2023 (Annexure P-6) 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. The nature of order this Court proposes to pass is such that 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 in the petition, the ends of justice would 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

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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.

4. **The petitioner is directed to surrender before the concerned court on or before 18.09.2024 by 11. 00 am and file a bail petition. On appearance, the concerned court shall consider his bail on the same day in accordance with law, on the moment, he surrenders before the Court, impugned order shall stand quashed.**

5. The petitioner shall not be arrested till 18.09.2024, 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 18.09.2024.**

6. By the next date, the petitioner shall deposit a sum of rupees five thousand in the account of **PGI Poor Patient Welfare Fund** as well as a sum of rupees five thousand to the **complainant** in the shape of a demand draft in his name, and hand over both the receipts 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

04.09.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.