



CRM-M-48962-2024
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on: 30.09.2024

Lakshdeep Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.
Ms. Swati Batra, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Sections	Titled
80	29.02.2020	379 IPC	City Faridkot, District Faridkot

1. Aggrieved by order of declaring petitioner as proclaimed offender, vide order dated 03.04.2023, passed by learned CJM, Faridkot due to the default in appearances before the trial court, the petitioner has come up before this court under section 528 BNSS 2023.
2. Notice served upon the official respondent through the State's counsel. The nature of order this court proposes to pass, no response is required from the State/private respondent.
3. Counsel for the petitioner submits that he was appearing before the trial Court regularly but during Covid 19, he absented and after that co-accused acquitted and he was not aware of proclamation proceedings as he was never served.
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 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

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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 12.10.2024 and avail his legal remedy in accordance with law.** The petitioner shall not be arrested till 12.10.2024, 6 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, 2023 without any further reference to this court. It is clarified that this order be not construed as bail order. Since the petitioner was on bail earlier, accused-petitioner is surrendering with his own will, trial Court shall consider to grant him bail on usual conditions keeping in view the petitioner's past conduct.

6. By the next date, the petitioner shall deposit a sum of rupees two thousand 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

30.09.2024

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Whether speaking/reasoned:	Yes
Whether reportable:	No.