



CRM-M No. 44989 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 44989 of 2024

Date of Decision: 10.09.2024

Jaskaran Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

Ms. Swati Batra, D.A.G., Punjab (through V.C.).

ANOOP CHITKARA, J.

1. Aggrieved by the order of issuance of non-bailable warrants vide order dated 16.05.2024, passed by Additional Sessions Judge, Hoshiarpur due to the default in appearance before the trial court, the petitioner has come up before this court under section 528 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. Petitioner's counsel submits that the petitioner was appearing on each and every date before the trial Court which was fixed prior to 16.05.2024, but he was unable to appear on 16.05.2024 as he had noted wrong date of hearing and therefore the non-appearance was not intentional.

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 and leaving that question open; given the explanation offered

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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. Counsel for the petitioner submits that he will be appearing before the concerned Court and till then, non-bailable warrants be kept in abeyance and he will take appropriate legal remedies.

6. Given above, let the petitioner appear before the concerned trial Court on 24.09.2024 at 11.00 AM subject to payment of cost(s) of Rs.10,000/- to Poor Patient Welfare Fund, PGIMER, Chandigarh and avail his legal remedies in accordance with law. Till then, there shall be stay on impugned order and any warrants issued pursuant to that. This order shall eclipse on 24.09.2024 at 5.00 P.M. and this order shall not be construed as grant bail to the petitioner.

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.*

9. Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

10.09.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.