

CRM-M-46408-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46408-2024
Decided on: 19.09.2024

Chamkaur Singh @ Gurpreet Singh @ Gur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	28.04.2022	Makhu, District Ferozepur	21/61/85 of NDPS Act

1. Aggrieved by the order dated 06.01.2024 passed by JMIC, Zira, vide which petitioner was declared proclaimed offender, in the FIR captioned above, due to the default in appearance before the trial Court, the petitioner has come up before this court under section 528 BNSS 2023.
2. Petitioner’s counsel submits that inadvertently wrong order was annexed as Annexure P-4 and he has handed over certified copy of the correct order dated 06.01.2024 passed by JMIC, Zira, which is taken on record.
3. Counsel for the State submits that petitioner was well aware about pendency of the case and filed anticipatory bail petitions time and again, which was dismissed as withdrawn. In addition to that petitioner was accused in another FIR, in which he was appearing before the concerned Court but in the present case, he purposely did not appear and filed petition for anticipatory bail.
4. Given above, the nature of order this court proposes to pass, no response is required from the respondent.
5. Counsel for the petitioner contends that non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s



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control. Counsel further submits that petitioner was under impression that he is not required in the case and subsequently he shifted to Moga and therefore, he was not aware of the proclamation proceedings.

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 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 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 30.09.2024 and avail his legal remedy in accordance with law.**

6. The petitioner shall not be arrested till 30.09.2024, 10 PM and it is clarified that if the petitioner appears 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 on 01.10.2024 at 10 AM. This order be not construed as bail order. On appearance before the trial Court, order dated 06.01.2024 stand quashed automatically.

7. The petitioner shall deposit a sum of rupees five thousand in the account of **Poor Patient Welfare Fund, PGIMER, Chandigarh** and hand over its receipt to the trial court.

8. 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.

9. *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.*

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

(ANOOP CHITKARA)
JUDGE

19.09.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.