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CRM-M No. 48301 of 2024

Date of Decision: 26.09.2024

Jeet Singh @ Ranjeet Singh @ Ranjeet Singh Brar ...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Armaan Gagneja, Advocate
for the petitioner.

Ms. Swati Batra, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
205	18.08.2019	City Muktsar, District Sri Muktsar Sahib	306 IPC

1. Seeking setting aside of order dated 04.07.2024 passed by Additional Sessions Judge in the FIR captioned above, the petitioner has come up before this court under section 528 of BNSS, 2023.

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 the petitioner was regularly appearing before the trial Court till 04.07.2024 on which date, the concerned Court not only cancelled the bail but also issued non-bailable warrants. The absence of the petitioner was neither wilful nor 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. **The petitioner is directed to surrender before the concerned court on or before 05.10.2024 by 11 AM and file a bail petition. Since the petitioner was earlier granted bail, as such on appearance, the concerned court shall release the petitioner on bail on the same day, subject to furnishing bail bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the accused's conduct.**

6. The petitioner shall not be arrested till 05.10.2024, 11 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 & 528 BNSS, without any further reference to this court.

7. By the next date, the petitioner shall deposit a sum of Rs.5000/- in the account of PGI Poor Patient Welfare Fund 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.*

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

(ANOOP CHITKARA)
JUDGE

26.09.2024

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.