

2024-PHHC-147969



CRM-M-52813-2024

118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.52813 of 2024 (O&M)
Date of Decision: 13.11.2024

Dharminder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satwant Mehta, Advocate
for the petitioner.

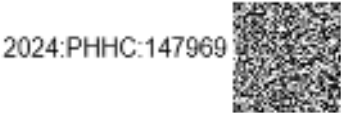
Ms. Swati Batra, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
120	30.11.2013	Ramdass, Ajnala, District Amritsar Rural	25 of Arms Act, 1959

Seeking quashing of impugned order dated 22.02.2017 passed by Judicial Magistrate, Ist Class, Ajnala in the FIR captioned above vide which the petitioner has been declared as a proclaimed person, the petitioner has come up before this Court under Section 482 Cr.P.C., 1973.

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. 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 482, Cr.P.C, 1973 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, this court deems it



CRM-M-52813-2024

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 22.11.2024 by 11. 00 am and file a bail petition and avail legal remedy in accordance with law and trial Court is requested to decide his application for bail on the same day without taking into consideration the impugned order of proclamation but on its own merit.

5. The petitioner shall not be arrested till 22.11.2024, 5.00 PM and any warrant or LOC issued shall stand stayed till that day. **If the petitioner fails to appear before the trial Court on or before 22.11.2024, in that case order shall stand recalled automatically under section 362 read with 482 Cr.P.C/ section 403 read with 528 BNSS, 2023, without any further reference to this court, after 5 PM on 22.11.2024.** This order shall not be construed as bail order.

6. 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.

7. *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

13.11.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.