



CRM-M-53873-2024

130 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.53873 of 2024 (O&M)
Date of Decision: 28.10.2024

Rajiv Kashyap ...Petitioner

Versus

State of Haryana and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Poonam Singh Thakur, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

Complaint	No. NACT/1384/2019 dated 11.12.2019, under Section 138 of the Negotiable Instruments Act
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Seeking quashing of impugned order dated 15.07.2024 passed by the trial Court concerned in complaint case captioned above vide which the petitioner has been declared as a proclaimed person, the petitioner has come up before this Court under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (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(s).
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 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, this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions

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mentioned in this order.

4. *The petitioner is directed to surrender before the concerned court on or before 08.11.2024 by 11. 00 am and file a bail petition. On appearance, the concerned court shall consider his bail on the same day in accordance with law, on the moment, he surrenders before the Court, impugned order shall stand quashed.*

5. The petitioner shall not be arrested till 08.11.2024, 5.00 PM and any warrant or LOC issued shall stand stayed till that day. **It is clarified that this order shall stand recalled automatically under section 403, read with 528 BNSS, without any further reference to this court, after 5 PM on 08.11.2024.**

6. By the next date, the petitioner shall deposit a sum of rupees ten thousand in the account of **PGI Poor Patient Welfare Fund**, and hand over the 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

28.10.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.