

CRM-M No. 57224 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 57224 of 2024
Date of Decision: 18.11.2024

Raj Kumar Soni...Petitioner

Versus

State of Haryana and another...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

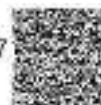
Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

Complaint No.	NACT/5222/2022 dated 01.02.2022 titled “Gobind Lal Sharma v/s Raj Kumar Soni”
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1. Aggrieved by the order of issuance of non-bailable warrants vide order dated 20.08.2024 in the complaint captioned above, passed by JMFC, Gurugram 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 on 20.08.2024, the petitioner was not well and he moved an application for exemption from personal appearance but the trial Court dismissed the said application and cancelled the bail of the petitioner and issued warrants of arrest. The absence was neither intentional nor wilful.
3. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.
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

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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, 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. Given above, let the petitioner appear before the concerned trial Court on 26.11.2024 at 11.00 AM subject to payment of cost(s) of Rs.5000/- to Poor Patient Welfare Fund, PGIMER, Chandigarh. Till then, there shall be stay on impugned order and any warrants issued pursuant to that. This order shall eclipse on 26.11.2024 at 5.00 P.M. On his appearance, trial court shall release the petitioner on bail on the same day as he was earlier on bail in this case on furnishing usual bonds to its satisfaction.

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.*

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

(ANOOP CHITKARA)
JUDGE

18.11.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.