

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 02.12.2024

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Ms. Swati Batra, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
139	25.03.2017	Civil Lines, District Police Commissionerate Amritsar	279, 337, 338, 427 IPC

Seeking quashing of impugned order dated 09.09.2024 passed by the trial Court in the FIR captioned above vide which the bail granted to the petitioner has been cancelled and his bail bonds have been forfeited, the petitioner has come up before this Court under Section 528 BNSS, 2023.

2. Notice served upon the official respondent through State counsel. The nature of the order this court proposes to pass, no response is required from the respondent.

3. Ld. 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 control. Further, he undertakes to appear on each and every date for hearing before the trial Court concerned.

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 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

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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 petitioners, subject to compliance with the conditions mentioned in this order.

4. **The petitioner is directed to surrender before the concerned court on or before 07.12.2024 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.**

5. The petitioner shall not be arrested till 07.12.2024, 5.00 PM and any warrant or LOC issued shall stand stayed till that day. **In case the petitioner fails to appear before the trial Court till the date given, in that case this order shall stand recalled automatically under section 403, read with 528 BNSS, without any further reference to this court, after 5 PM on 07.12.2024.**

6. By the next date, the petitioners shall deposit a sum of rupees five thousand, in the account of **PGI Poor Patient Welfare Fund**, and hand over the receipts 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(s) 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

02.12.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.