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CRM-M No. 60694 of 2024
Date of Decision: 03.12.2024

...Petitioners

...Respondents

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

Appeal No.	CRA 47 of 2024 titled “M/s Mittal Ceramics and others v/s M/s Ananya Impex” CNR No. PBF01-000743-2024
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1. Aggrieved by the order of issuance of non-bailable warrants vide order dated 28.10.2024 in the appeal captioned above by Additional Sessions Judge, Fatehgarh Sahib due to the default in appearance before the trial court, the petitioners have come up before this court under section 528 BNSS.
2. Petitioner's counsel submits that the petitioners were appearing on each and every date before the trial Court. On 28.10.2024, they could not appear as there had been a call by the local bar association for suspension of work. 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 is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage.

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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 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. Counsel for the petitioner submits that he will be appearing before the concerned Court and till then, non-bailable warrants be kept in abeyance and he will take appropriate legal remedies.

6. Given above, let the petitioners' appear before the concerned trial Court on 10.12.2024 at 11.00 AM subject to payment of cost(s) of Rs.10,000/- each (i.e. total Rs.20,000/-) 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 10.12.2024 at 5.00 P.M. On their appearance, trial court shall release the petitioners on bail on the same day on furnishing usual bonds to its satisfaction.

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.*

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

(ANOOP CHITKARA)
JUDGE

03.12.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.