

(2023) 02 P&H CK 0115

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 4617 Of 2023 (O&M)

Jaswant Singh Alias Sonu & Others

APPELLANT

Vs

State Of Punjab & Others

RESPONDENT

Date of Decision : 17-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 362, 482

Citation : (2023) 02 P&H CK 0115

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : S.S. Dhaliwal, H.S. Sitta, Sanpreet Singh, Jasinder Singh

Final Decision : Allowed

Judgement

Anoop Chitkara, J

FIR No

Dated

Police Station

Sections

110

22.9.2020

Sandaar, District Malerkotla

308, 324, 323, 427, 506, 148, 149 IPC & Section 325 IPC added later on.

1. Challenging the order of proclamation, vide order dated 17.01.2022, passed by JMFC, Malerkotla, due to the default in appearances before the trial court, the petitioners have come up before this court.

2. Given the nature of order this court proposes to pass, no response is required

from the respondent(s).

3. Ld. Counsel for the petitioners contends that the non-appearance of the petitioners was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control.

4. The primary object of service is to secure the accuseds' presence in trial. The petitioners have approached this court on their own, establishing the bona fide 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 meet. Furthermore, without adjudicating the maintainability of this petition under section 482 CrPC 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 482 CrPC, this court deems it appropriate to grant the following limited relief to the petitioners, subject to compliance with the conditions mentioned in this order.

5. Explanation for their absence has been furnished by the petitioners in paragraphs no.3 and 4 of the petition.

6. Given above, the petitioners are directed to surrender before the concerned court on or before 10.03.2023. On appearance, the concerned court shall release the petitioners on bail on the same day, subject to furnishing bail by imposing reasonable conditions, as it may deem appropriate in the background of the accused's conduct.

7. The petitioners to execute a bond for attendance in the concerned court. On the reverse page of personal bonds, the petitioners shall mention the permanent address, along with the phone number preferably that number which is linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioners shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

8. The order vide which the petitioners were declared proclaimed offenders, all warrants, LOC, and all consequent proceedings in the above mentioned FIR shall remain stayed qua the petitioners, till 10.03.2023. It is clarified that if the petitioners fail to appear before the concerned court, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.

9. This order is subject to the petitioner(s) depositing a sum of rupees five thousand (each) to all respondents in their respective accounts, by the above-mentioned date, in the following account and hand over its receipt to the trial court.

Account Name - AJIT SINGH POLICE WELFARE FUND

Account No. 12171450000081,

HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH-160015, RTGS/NEFT IFSC:
HDFC0001217,

10. It is clarified that till the time the petitioner(s) appear before the concerned court, they shall not visit any other place except the home, and in case they want to stay in another place, they shall intimate the address of such place to the concerned SHO by e-mail, by attaching the copy of this order. In case of any violation on this account, this order shall stand recalled automatically without any further reference to this court.

11. 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.

12. There would be no need for a certified copy of this order, and any Advocate for the Petitioners 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.

Trial be expedited.