

**S.No.104**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**\*\*\*\***

**CRM-M-33531 of 2018 (O&M)**

**Date of Decision:06.08.2018**

**Vijay Pal Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and another .....Respondents**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Damanjit Singh Sandhu, Advocate  
for the petitioner.

**\*\*\*\***

**Rajbir Sehrawat, J.(Oral)**

This is an application seeking protection against his arrest by challenging order dated 23.07.2018 whereby his bail bonds have been cancelled by the Appellate Court in CRA/476/2016 arising from a conviction and sentence of the petitioner in the complaint filed under Section 138 of Negotiable Instruments Act.

Counsel for the petitioner has contended, and it is also clear from the impugned order that the petitioner had moved an application for exemption from appearance before the Court in the hearing of the appeal. However, that application was dismissed and the bail bonds/ surety had been cancelled and ordered to be forfeited to the State. Resultantly, the petitioner apprehends his arrest since non-bailable warrants have been issued for 13.08.2018.

Notice of motion.

On the asking of the Court, Mr. Hittan Nehra, Addl. AG,

Punjab, accepts notice on behalf of the State.

The only objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure the appearance of a person before the Court to receive the orders of the Court. Since the petitioner has shown sincere intention to appear before the Court, it would be in the interest of justice that he is given opportunity to appear before the Court.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. The impugned order is quashed subject to the petitioner appearing before the lower Appellate Court on or before 13.08.2018. It is further ordered that in case the petitioner so appears before the Lower Appellate Court, he shall be released on bail on furnishing fresh bonds/ sureties to the satisfaction of the Lower Appellate Court.

August 06, 2018  
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( RAJBIR SEHRAWAT )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |