

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.08.30 17:36
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CRM-M-37465-2018 (O&M)

Date of decision:29.08.2018

Vishal Saini

...Petitioner

Versus

Jaswinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rajesh Gupta, Advocate, for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for quashing of the order dated 18.04.2018 (Annexure P-11), vide which, the bail granted to the petitioner was cancelled and the order dated 31.07.2018 (Annexure P-14), whereby the proceedings under Section 82 Cr.P.C. has been initiated against the petitioner.

Learned counsel for the petitioner contends that earlier the parties had arrived at compromise. Accordingly, part payment of the compromised amount was made to the complainant. Thereafter, the case was adjourned sine-die by the Lower Appellate Court; for making payment of the remaining part of the compromised amount. However, liberty was given to the complainant to get the hearing of the appeal revived, in case, the amount is not paid. Accordingly, the complainant had moved an application for revival of the hearing in the appeal and hearing of the appeal was revived, by the Lower Appellate Court. Thereafter, the date of hearing was fixed but on that day, the petitioner had filed an application for exemption from personal appearance before the Appellate Court. However, that application was dismissed and the bail granted to the petitioner was cancelled vide order dated 18.04.2018.

Learned counsel for the petitioner submits that the absence on his part was not intentional. The petitioner has no intention to flee from course of justice. He intends to appear before the Court below. However, prayer is that the petitioner be protected from his arrest.

Notice of motion.

Mr. Vikas Malik, DAG, Haryana, accepts notice on behalf of the State.

Heard.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, the present petition is allowed subject to the petitioner appearing before the Court below on or before 05.09.2018. It is further directed that in case, the petitioner so appears before the Court below then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Court below.

(RAJBIR SEHRAWAT)
JUDGE

29.08.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No