

S.No.123

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

**CRM-M-38736 of 2018 (O&M)
Date of Decision:06.09.2018**

Mahender Pal Jindal and anotherPetitioners

Vs.

State of Haryana and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Maneesh Kumar Bali, Advocate
for the petitioners.

Rajbir Sehrawat, J.(Oral)

This petition has been filed by the petitioners seeking quashing of order dated 20.08.2018 (Annexure P.11) vide which the bail and surety bonds of the petitioners were cancelled and the warrants of arrest were issued against the petitioners in complaint No.CIS-278/2017, titled as “Anupama v. Best Food”. Although further prayer has also been made for directing the trial Court to adjourn the case till the moratorium period imposed by NCLT vide order dated 02.02.2018.is over. However, counsel for the petitioners has restricted his prayer only qua challenge to the order cancelling the bail of the petitioners.

Counsel for the petitioners submits that there are several cases against the petitioners. Therefore, in the present case, the petitioners were being represented through their counsel. However, the trial Court now has cancelled the bail of the petitioners and warrants of arrest have been issued.

It is further contended that the petitioners now intend to appear before the

Court. They do not have any intention to flee from course of justice. The only prayer made is that they be protected against their arrest.

Notice of motion.

On asking of the Court, Mr. Surender Singh, AAG, Haryana, accepts notice on behalf of the State and submits that he has no objection if the petitioners appear before the trial Court.

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 appearance of the petitioners before the trial Court on or before 09.10.2018. In case the petitioners so appear before the trial Court, then they shall be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the trial Court.

September 06, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No