

Sr. No.122

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

CRM-M-1559-2019

Date of decision:15.01.2019

Mr.Coimbatore Pinaghapani UmapathyPetitioner

versus

**Flight Simulation Technique Centre Pvt. Ltd.
.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Nithu Pratap Singh, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing/setting aside of Order dated 17.09.2018(Anenxure P-5) passed by JMIC, Gurugram and the consequent orders cancelling the bail and forfeiting the bail bonds and issuing Non Bailable Warrants in Criminal Complaint No.1739 of 2017 (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner had been appearing before the Trial Court regularly. However, on 17.09.2018, the petitioner could not appear before the Trial Court because he was ill. An application for exemption was moved before the Trial Court. However, the Trial Court has rejected the application and also cancelled the bail granted to the petitioner. It is contended by learned counsel for the petitioner that the petitioner has no intention to flee from the course of justice. He intends to appear before the Trial Court to take further orders in accordance with law. However, the only prayer is that the petitioner be protected against his arrest.

In view of the submissions made by the learned counsel for the

petitioner, this Court deems it appropriate to dispose of the present petition at this stage only, without issuing any notice.

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 trial Court on or before 21.01.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

This Court also finds that the Complaint pertains to the year 2017 and the proceedings have been lingering on because some of the co-accused have either been absent from proceedings or they have moved one application after another; which led to unnecessary delay in the proceedings of the trial. So the trial is required to be finally decided with urgency.

Therefore, it is directed that the Trial Court shall decide the trial as expeditiously as possible.

15th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*