

Sr. No.106

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

CRM-M-2229-2019

Date of decision:18.01.2019

Tejvir Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Deepak K.Sharma, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in Complaint Case No.NACT-77/2017, dated 29.03.2017 for the offences punishable under Section 138 of the Negotiable Instruments Act pending in the Court of learned Judicial Magistrate Ist Class, Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner was regularly appearing in this case before the Trial Court, which is under Section 138 of the Negotiable Instruments Act. However, on the last date, the petitioner wrongly noted the date as 18.08.2018, whereas the actual date fixed before the Trial Court was 14.08.2018. Due to this unintentional default, the bail of the petitioner has been canceled and the warrants of arrest have been issued against him. Therefore, the petitioner apprehends his arrest. It is further contended by counsel for the petitioner that he has no intention to flee from the course of justice. He intends to appear before the Trail Court to face the further proceedings. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Rajat Bansal, AAG, Punjab accepts notice on behalf of the State of Punjab and submits that he has no objection if the petitioner appears 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 petitioner appearing before the trial Court on or before 24.01.2019. 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.

18th January, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*