

S.No.101

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

CRM-M-7812 of 2019 (O& M)

Date of Decision:21.02.2019

Mandeep Singh

.....Petitioner

Vs.

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Varun Sharma, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in complaint CIS No.NIA 298-02018 dated 17.04.2018 registered under Section 138 of Negotiable Instruments Act, 1881 titled as “IndusInd Bank v. Mandeep Singh”.

Learned counsel for the petitioner contends that the petitioner is ordinarily residing in Uttar Pradesh, where he is running his transport business, whereas the service of the summons issued by the Court is alleged to have been served at his Rajpura (District Patiala) address. Since the petitioner was never served, therefore, he could not get opportunity to appear before the Court. As a result, the petitioner has been declared as a proclaimed person. It is further submitted by the counsel that the petitioner has no intention to flee from course of justice. Since the petitioner has now come to know of the proceedings pending against him, he wishes to appear before the trial Court to face the further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion to respondent No.1 only.

Mr. Rajat Bansal, AAG, Punjab, accepts notice on behalf of the

State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court to face further proceedings.

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 25.02.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 25.02.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

February 21, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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