

S.No.106

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

CRM-M-8172 of 2019 (O&M)

Date of Decision:22.02.2019

Jang Bahadur Singh

.....Petitioner

Vs.

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Rimple Saini, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in complaint No. NACT 1403 of 2014 dated 10.09.2014 registered under Section 138 of NI Act, 1881 titled as “State Bank of India v. Jang Bahadur Singh”.

It is contended by counsel for the petitioner that the petitioner was appearing before the trial Court. He was released on bail. However, thereafter, the father of the petitioner had expired. Resultantly, the petitioner had to face manifold problems. Hence, he temporarily lost touch with the case. However, the petitioner subsequently contacted the clerk of his advocate; who informed the petitioner that his case was being properly processed by the advocate. But, later on it has been found that, on 15.01.2018, the petitioner has been declared as a proclaimed person. It is contended that the petitioner has no intention to flee from course of justice. Since now the petitioner has come to know of the proceedings against him, therefore, he intends to appear before the trial Court. The only prayer is that he 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 28.02.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 28.02.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

February 22, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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