

Sr. No.113

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

CRM-M-24821-2018(O&M)

Date of decision:16.01.2019

Bhushan Kumar

.....Petitioner

versus

Ramandeep Singla and another Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

**Present: Mr. R.K.Handa, Advocate
for the petitioner.**

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing of Complaint under Section 138 Negotiable Instruments Act dated 17.04.2017, Summoning Order dated 29.04.2017(Annexure P-2) and order dated 18.05.2018(Annexure P-3).

At the outset, learned counsel for the petitioner submits that he be permitted to withdraw the present petition qua other claims with liberty to take all the pleas before the Trial Court, and the present petition be entertained only qua the Order dated 18.05.2018(Annexure P-3), whereby the non-bailable warrants have been ordered to be issued against the petitioner.

In view of the above, the present petition is dismissed qua the other reliefs and is restricted to challenge to the Order dated 18.05.2018 (Annexure P-3), whereby the warrants of arrest have been ordered to be issued against the petitioner.

In view of the above limited prayer made by counsel for the petitioner, this Court considers it appropriate to dispose of the present petition at this stage without issuing any notice to the respondents.

Learned counsel for the petitioner contends that although non-bailable warrants were issued against the petitioner, however, the warrants were not served upon the petitioner. The Court had adjourned the case for awaiting the execution of the warrants. In the mean-time, the present petition had been filed by the petitioner. It is further contended by learned counsel for the petitioner that by any means, the petitioner does not intend to flee from course of justice. Even without requirement of non-bailable warrants against the petitioner, he is willing to appear before the Trial court. The only prayer is that the petitioner be protected against his arrest.

Since the petitioner has shown his sincere desire to appear before the Trial Court therefore the prayer of the petitioner for protecting him against the arrest deserves to be considered in its right earnest.

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.

16th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*