

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13423-2019 (O&M)

Date of decision:25.03.2019

Manish Chadha

...Petitioner

Versus

Satya and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashok Paul Batra, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for quashing/setting aside the order dated 21.09.2018 passed by JMIC Rupnagar in Criminal Complaint No. NACT/335/16 dated 19.08.2016 under Section 138 of the Negotiable Instruments Act, titled as “Satya Devi Vs. Manish Chadha” decided on 21.09.2018, vide which, the petitioner has been declared as proclaimed person under Section 82 of Cr.P.C. and all consequent proceedings arising therefrom.

In view of the order being passed herein-below, it is not necessary to issue notice of motion to the other side. Accordingly, the present petition is being disposed of without issuing any notice in this case.

It is submitted by learned counsel for the petitioner that the petitioner had appeared before the trial Court pursuant to the summons issued to him. He was released on bail by the trial Court on 13.06.2017. Thereafter, the petitioner could not appear before the trial Court on 27.04.2018, due to unavoidable circumstances. Hence, warrants of arrest has been issued against the petitioner. Thereafter, the petitioner has also been declared as proclaimed offender vide order dated 21.09.2018, though

Negotiable Instruments Act. It is submitted by the counsel for the petitioner that the petitioner has no intention to flee from the course of justice. The petitioner intends to appear before the trial Court to face further proceedings in accordance with law. The only prayer made is that the petitioner be protected from his arrest.

Heard.

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 03.04.2019. 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 bonds/sureties to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

25.03.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No