

S.No.102

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

CRM-M-14038 of 2019 (O&M)

Date of Decision:28.03.2019

Gurjant Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Mandeep K. Dhot, Advocate for
Mr. Inderjit Sharma, Advocate for
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in case complaint No.147 dated 22.09.2017 registered under Section 138 of Negotiable Instruments Act pending in the Court of Judicial Magistrate Ist Class, Phul.

Learned counsel for the petitioner submits that the petitioner was regularly appearing before the trial Court. However, on one date, the petitioner wrongly noted the date as 20.08.2018 whereas, the actual date fixed before the trial Court was 20.07.2018. Hence, the petitioner could not appear before the trial Court on 20.07.2018. Not finding the case in cause list for 20.08.2018, the petitioner confirmed the entire facts on 11.09.2018. Then he came to know that the bail of the petitioner has already been cancelled and warrant of arrest have been issued against him. Hence, the petitioner apprehends his arrest. It is further submitted that the petitioner has no intention to flee from course of justice. He intends to appear before the trial Court to face further proceedings in accordance with law. However, the only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. P.S. Walia, 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 04.04.2019 It is further directed that in case the petitioner so appears before the trial Court on or before 04.04.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 28, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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