

S.No.107

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

CRM-M-14389 of 2019 (O&M)

Date of Decision:29.03.2019

Dev Raj

.....Petitioner

Vs.

M/s Cholamandalam Investment and Finance Co. Ltd. And another

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in complaint No.CNR No.PBBT03-12309-2016 COMA No-1745-16 dated 02.08.2016 registered under Section 138 of NI Act in case titled as M/s Cholamandalam v. Dev Raj in which bail application of the petitioner was dismissed in the Court of ASJ, Bathinda.

Learned counsel for the petitioner contends that earlier the petitioner was appearing before the trial Court. However, thereafter, one of the relatives of the petitioner got seriously ill and ultimately; that relative died as well; of the same ailment. The petitioner was the only person who was taking care of the said relative. Subsequently, the petitioner himself got ill and was admitted in a hospital. As a result, the petitioner could not appear on 2-3 dates. Hence, the bail of the petitioner was cancelled on 14.11.2018. Therefore, the petitioner apprehends his arrest. However, the petitioner does not intends to flee from course of justice. He intends 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.

Mr. Sandeep Chopra, Advocate accepts notice on behalf of respondent No.1. Mr. P.S. Walia, AAG, Punjab, accepts notice on behalf of the State.

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 29, 2019	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No