

S.No.107

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

CRM-M-24853 of 2019 (O&M)

Date of Decision:29.05.2019

Gajender SinghPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ramender Chauhan, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed by the petitioner seeking anticipatory bail in case FIR No.0242 dated 21.02.2019 registered under Section 174A IPC at Police Station Shivaji Nagar, Gurugram, District Gurugram.

It is contended by counsel for the petitioner that in the main case, which was under Section 138 of Negotiable Instruments Act, the petitioner was released on bail. The petitioner appeared before the trial Court. However, on 07.06.2017, the petitioner moved an application for exemption from personal appearance but the same was declined by the Court and the bail granted to the petitioner was cancelled. In the meantime, the complainant had shown willingness to enter into a compromise. Efforts were going on between the parties to arrive at a compromise, therefore, the petitioner was under a mistaken impression that the matter would be compromised and he may not be required to appear before the Court. However, the efforts to arrive at a compromise failed and due to non-appearance of the petitioner before the trial Court, the petitioner was declared as a proclaimed person and the present FIR was registered against the petitioner. It is further submitted that absence of the petitioner before the trial Court was under a mistaken but bonafide impression towards

settling the dispute amicably outside the Court. However, now since the FIR has been registered against the petitioner, therefore, the petitioner intends to appear before the trial Court to face further proceedings in accordance with law. The petitioner does not have any intention to flee from course of justice. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Vikas Malik, DAG, Haryana, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court.

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, but without commenting any further upon merits of the case, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 11.06.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.06.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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