

S.No.111

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

CRM-M-34806 of 2019 (O&M)

Date of Decision:27.08.2019

Ajit Singh Chandila

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case Criminal Complaint No.2397 dated 28.07.2017 titled as “Surener Singh Vs. Ajit Singh Chandila” registered under Section 138 of NI Act pending before JMIC, Faridabad for 26.08.2019.

It is contended by learned counsel for the petitioner that in this very case, the petitioner was released on regular bail earlier. The petitioner was regularly appearing thereafter. However, on 23.04.2019, the petitioner could not appear before the trial Court due to some official work assigned to him. Rather, the petitioner had requested his counsel to move an application seeking exemption from personal appearance. However, due to an inadvertent mistake, counsel could not move the said application. Therefore, bail granted to the petitioner was cancelled. However, further date also could not be informed to the petitioner. As a result, the trial Court issued proclamation order against the petitioner for 26.08.2019. In view of these facts, it is submitted by the counsel that the non-appearance of the petitioner before the trial Court was not intentional. The petitioner does not have any intention to flee from course of justice. He intends to appear

before the trial Court to face further proceedings in accordance with law; as he was doing earlier. [The only prayer is that the petitioner be protected against his arrest.

In view of the nature of the order which this Court intends to pass, the Court does not find it necessary to issue any notice to the opposite side. Hence, the present petition is being disposed of without issuance of the notice to the respondents.

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 11.09.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.09.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 27, 2019**renu****(RAJBIR SEHRAWAT)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No