

**Sr. No. 106**

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

**CRM-M-40360-2019(O&M)  
Date of decision:20.09.2019**

**Sandeep Verma**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

**Present:** Mr. Diwan Singh Adlakha, Advocate  
for the petitioner(s).

**Rajbir Sehrawat, J.(Oral)**

Present petition has been filed for seeking anticipatory bail in FIR No.984 dated 09.08.2019 for the offences punishable under Section 174-A IPC registered at Police Station City Jagadhri, District Yamuna Nagar.

It is contended by learned counsel for the petitioner that the main case, in which the petitioner was required to appear, was registered under Section 138 of the Negotiable Instruments Act(for short 'the Act'). The petitioner was never served with any notice, summon or warrant regarding those proceedings. Therefore, petitioner could not appear before the Trial Court. Since the offence under Section 138 of the Act itself is a bailable offence, therefore, there was no reason or occasion for the petitioner not to appear before the Trial Court, had he been served with any notice issued by that Court. However, due to non-appearance of the petitioner before the Trial Court in the main case, the petitioner was declared as a proclaimed person and subsequently the present FIR under Section 174-A of the Act has also got registered. It is contended by the counsel for the petitioner that since the petitioner has now come to know of

the proceedings against him, therefore, the petitioner intends to appear before the Trial Court to face all the proceedings in accordance with law. The petitioner does not have any intention to flee from the course of justice. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Vikas Malik, DAG, Haryana accepts notice on behalf of the State and submits that he has no objection if the petitioner appears before the Investigating Officer.

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. The petitioner may appear before the Investigating Officer within 15 days from today. It is further ordered that in case the petitioner so appears, then he be released on bail subject to the petitioner furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

**20<sup>th</sup> September, 2019**

Shivani Kaushik

*Whether speaking/reasoned*      *Yes/No*

*Whether Reportable*                      *Yes/No*

**[RAJBIR SEHRAWAT]  
JUDGE**