

S.No.124

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

CRM-M-48708 of 2019 (O&M)

Date of Decision:16.11.2019

Amrinder Singh

....Petitioner

Vs.

HDFC Bank Ltd and another.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing/setting aside the order dated 31.10.2019 and 05.11.2019 whereby non-appearance of the petitioner for the reasons beyond his control led to cancellation of the bail bonds and issuance of warrant of arrest against the petitioner, in case of the appeal case No.71/17 instituted on 27.01.2016 in a complaint under Section 138 of Negotiable Instruments Act.

It is contended by learned counsel for the petitioner that the petitioner was released on bail in this case by the trial Court. Thereafter, the petitioner was regularly appearing before the trial Court. However, due to neurological problem, the petitioner could not appear on 31.10.2019 and 05.11.2019. As a result thereof, the bail granted to the petitioner has since been cancelled by the trial Court. Nonailable warrants have been issued. Hence, the petitioner apprehends his arrest. Still further, it is contended 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. The only prayer is that the petitioner be protected against his arrest.

Still further, it is submitted that the petitioner has already

settled the dispute with the complainant and a part of the settled amount has even been paid by the petitioner. Remaining amount also, the petitioner would pay on appearance before the Court.

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 respondent.

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 29.11.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 29.11.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 16, 2019

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**(RAJBIR SEHRAWAT)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No