

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 50759 of 2019
Date of Decision: 29.11.2019**

Harinder Pal Singh

.....Petitioner

Versus

Indusind Bank Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks anticipatory bail in complaint case bearing No. NACT/743/2017, registration No. 85/2017 dated 18.1.2017 under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that the complaint in question is pending before the learned Magistrate since 2017. On 8.11.2019, the petitioner was not well and he moved an application for exemption from personal appearance which was supported with a medical certificate but vide order dated 8.11.2019 (Annexure P-4), the same was declined by the learned Magistrate and accordingly, his bail bonds were forfeited to the State. He further submits that as per record, the principle loan amount has already been paid by the petitioner and it was only on the one date, the petitioner could not appear before the Court below. Learned counsel further submits that petitioner is ready to appear before the trial Court on the next

date fixed i.e. 6.12.2019.

Notice in this case is not being issued as this would further delay the trial.

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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court on the date fixed. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds to the satisfaction of the trial Court and further subject to payment of Rs. 10,000/- as costs to be paid to the complainant.

(HARNARESH SINGH GILL)
JUDGE

November 29, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No