

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

CRM-M No.52349 of 2019 (O&M)
DATE OF DECISION : 9th DECEMBER, 2019

Sarabjit Singh

.... Petitioner

Versus

M/s. B.P. Rice Mills, Patiala & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. H.P.S. Ghuman, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in complaint under Section 138 Negotiable Instruments Act, bearing No.30 dated 30.01.2017 titled M/s. B.P. Rice Mills Vs. Sarabjit Singh, pending before JMIC, Samana, District Patiala.

It is contended by the counsel for the petitioner that the case was fixed before the Lok Adalat on 14.07.2018. However, before the Lok Adalat the dispute could not be settled by the parties. However, later on, the dispute was amicably settled. The petitioner was under the impression that the complainant would withdraw the complaint and the petitioner would not be required to appear before the court. As a result the petitioner could not appear on six dates thereafter. Hence, the bail granted to the petitioner has been cancelled and warrant of arrest has been issued against him. Hence, the petitioner is apprehending his arrest. However, the absence of the petitioner from the trial court was not intentional. The same has occurred due to inadvertent mistake on the part of the petitioner. Even now, the petitioner is ready to settle the dispute with the complainant, by making the payment of the appropriate

amounts to him. Till then the petitioner is ready to appear before the trial court to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against her arrest.

In view of the order being passed at this stage, it is not considered appropriate to issue any notice.

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, it would not be unjustified to grant protection to the petitioner with a direction to him to appear before the trial court, however, by putting him to some appropriate financial burden.

Accordingly, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 09.01.2020, and further subject to payment of ₹15,000/- as cost. It is further directed that in case the petitioner so appears before the trial Court on or before 09.01.2020 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

However, it is clarified that the petitioner shall be released on bail only on production of receipt of having deposited above said cost of ₹15,000/- with the Institute for Blind, Sector-26, Chandigarh.

9th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>