

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 9921 of 2020
Date of Decision: 06.3.2020**

Kamaljit Singh

.....Petitioner

Versus

Jarnail Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in criminal Appeal No. 141 dated 15.11.2019 under Section 138 of the Negotiable Instruments Act, 1881 in complaint No. NIACT/730/2017 (criminal complaint case No. 121) dated 24.8.2017 pending before the Additional Sessions Judge, Tarn Taran.

Learned counsel for the petitioner submits that petitioner had been regularly appearing before the Appellate Court. She further submits that while disposing of the application for suspension of sentence on 15.11.2019, the petitioner was directed to furnish the bail bonds/surety bonds and to deposit 20% of the amount of compensation. However, due to family problem, the said order could not be complied with. The petitioner moved an application for extension of time to comply with the order dated 15.11.2019 which was allowed on 3.1.2020 but on the same very day i.e. 3.1.2020, the petitioner met with an accident and could not appear before the Appellate Court on 6.2.2020 and non-bailable warrants were issued

against him. To this effect, the petitioner has appended the medical certificate (Annexure P-4). Learned counsel also submits that non-appearance of the petitioner before the Appellate Court was not intentional and now the case is fixed for 13.3.2020.

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

In the present case, the petitioner had been regularly appearing before the Appellate Court but he had met with an accident on 3.1.2020, and could not appear before the Appellate Court on 06.2.2020.

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 Appellate Court on the date fixed i.e. 13.3.2020. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds and 20% of the amount of compensation to the satisfaction of the Appellate Court and further subject to payment of Rs. 5,000/- as costs to the complainant.

(HARNARESH SINGH GILL)
JUDGE

March 06, 2020
Gurpreet