

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 9703 of 2020
Date of Decision: 05.3.2020**

Ankit Lamba

.....Petitioner

Versus

Rajinder Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 16.12.2019 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Abohar vide which bail of the petitioner was cancelled and his bail bonds were forfeited to the State and non-bailable warrants were issued against him.

Learned counsel for the petitioner submits that in the present complaint filed by respondent No. 1 under Section 138 and 142 of the Negotiable Instruments Act, 1881, the petitioner had been regularly appearing before the trial Court since 12.3.2019. He further submits that the due to the ailment of his father, the petitioner could not appear before the trial Court on 16.12.2019 and this fact was also brought to the notice of the counsel for the petitioner appearing in the complaint case but somehow the application could not be moved. Learned counsel further submits that the petitioner is ready to face the trial.

Notice in this case is not being issued as this would further

delay the trial.

In the present case, the petitioner had been regularly appearing before the trial Court and due to the ailment of his father, could not appear before the trial Court on 16.12.2019.

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 within 10 days from today. 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 the complainant.

(HARNARESH SINGH GILL)
JUDGE

March 05, 2020
Gurpreet

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