

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 18932 of 2021

Date of Decision: 13.5.2021

Sikander Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kulwinder Singh, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for anticipatory bail in criminal Appeal i.e. CRA-209 of 2017 dated 28.11.2017 titled “Sikander Singh vs. HDFC Bank Ltd.” arising out of complaint bearing No. NACT/597 of 2014 dated 1.10.2014, under Section 138 to 142 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that respondent No. 2-bank filed a complaint under Section 138 to 142 of Negotiable Instruments Act, 1881 against the petitioner, in which vide judgment and order dated 31.10.2017, the petitioner was convicted and sentenced for two years. Aggrieved against the said judgment/order, the petitioner preferred an appeal before the Sessions Court. He further submits that during the pendency of the said appeal, the sentence of the petitioner was suspended on 30.11.2017 and it was on 07.12.2019, due to some unavoidable circumstances, the petitioner could not appear before the Appellate Court

and accordingly, his bail bonds and surety bonds were cancelled. Learned counsel further submits that the non-appearance of the petitioner was not intentional and he is ready to join the proceedings pending before the Appellate Court.

Notice to the State-respondent No. 1 only.

On the asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab accepts notice on behalf of the State.

Notice to respondent No. 2-complainant 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 Appellate Court within 10 days from today. On doing so, he shall be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the Appellate Court.

(HARNARESH SINGH GILL)
JUDGE

May 13, 2021
Gurpreet

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