

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.56254 of 2023 (O&M)
DATE OF DECISION: 08th NOVEMBER, 2023

Jatinder Kumar

.... Petitioner

Versus

M/s Sahi Siakot Retail Outlet and Filling Station and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jagjot Singh Lalli, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 29.04.2023 (Annexure P-14) passed by the Judicial Magistrate Ist Class, SAS Nagar in a complaint under Section 138 of Negotiable Instruments Act in NACT No.823/2021 titled as M/s Sahi Sialkot Retail Outlet and Filling Station Versus M/s Sharma Gram Udyog Samiti and another, whereby the petitioner has been declared as proclaimed person, with certain other prayers made in the present petition.

2. It is submitted by the counsel for the petitioner that the petitioner could not appear before the trial Court on 29.04.2023 because he was not properly served, therefore, he could not know about the pendency of the case. The petitioner is not intending to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

3. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain 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.

4. In view of the above, the order dated 29.04.2023 passed by the trial Court is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 24.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 24.11.2023 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

08th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No