

CRM-M-56539-2023**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****118****CRM-M-56539-2023
Date of decision: 14.11.2023**

M/S DKS INCORPORATE AND ANR

...Petitioners

Versus

M/S UTTAM SALES CORPORATION

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent:- Mr. Abhishek Sindhu, Advocate,
for the petitioners.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed for setting aside the orders dated 11.09.2023 and 20.10.2023 (Annexures P-3 and P-5), respectively, passed by the Judicial Magistrate Ist class, Hisar, whereby bail of petitioner No.2 has been cancelled and warrants of arrest have been issued against him in complaint case bearing No.NACT/1835/2020, titled as 'M/s Uttam Sales Corporation Vs. M/s DKS Incorporate and others'.

2. It is submitted by the counsel for the petitioners that petitioner No.2 had been appearing before the trial Court in the case regularly. However, he could not appear before the trial Court on 11.09.2023 and 20.10.2023 on account of having met with an accident. Therefore on 11.09.2023, he moved an application seeking exemption from personal appearance through his counsel. However, that application was dismissed; bail granted to the petitioner was cancelled and warrant of arrest was issued by the trial Court, vide order dated 11.09.2023. Petitioner No.2 has no

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intention to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

3. Notice of motion.

4. On the asking of this Court, Mr. Krishan Kumar Chahal, Addl. A. G. Haryana, accepts notice on behalf of the State, and submits that the State has no objection, if the petitioners appear before the trial Court.

5. 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.

6. In view of the above, the orders dated 11.09.2023 and 20.10.2023 (Annexures P-3 and P-5), are set aside and the present petition is allowed, subject to petitioner No.2 appearing before the trial Court on or before 29.11.2023. It is further directed that in case, petitioner No.2 so appears before the trial Court on or before 29.11.2023, 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.

14.11.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No