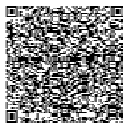


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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.289

CRM-M-41353-2024(O&M)
Date of decision : 02.09.2024

Vikas Girdhar

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

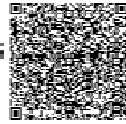
Present: Mr. Kamal Chaudhary, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 05.08.2024 (Annexure P3) vide which bail granted to the petitioner was cancelled and non-bailable warrants was issued against the petitioner in complaint case bearing No.87 of 2022 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner submits that on 05.08.2024, the petitioner moved an exemption application before the learned trial Court as he could appear for hearing as he was suffering from various serious ailments (acute kidney disease and paralysis). However, the learned trial Court dismissed the exemption application and cancelled the bail and further issued non-bailable warrants. He further submits that the petitioner underwent a major brain surgery which has resulted in impaired mobility making it difficult for him to walk properly. He has referred to medical record of the petitioner (Annexure P4).

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3. Learned State counsel has opposed the present petition and has submitted that the trial Court has rightly cancelled the bail granted to the petitioner and issued non-bailable warrants against the petitioner.

4. Heard the rival submissions made by learned counsel for the parties.

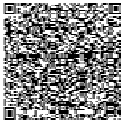
5. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, they could not appear before the trial Court on one date i.e. 05.08.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

7. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date due to various serious medical ailments.

8. In view of the above, the present petition is allowed and order dated 05.08.2024 (Annexure P3) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh.** The petitioner after

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depositing the cost as stated above would appear before the trial Court on the next date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner till the next date fixed. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

02.09.2024
Ramandeep Singh

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