

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 28577 of 2020

Date of Decision: 30.9.2020

Balwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Joginder 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 grant of anticipatory bail in complaint case bearing No. 776 of 2016 titled 'Lakhvinder Singh versus Balwinder Singh' filed under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the trial Court. He further submits that due to some unavoidable circumstances, the petitioner could not appear before the trial Court on 05.12.2018 and accordingly, bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State and further non-bailable warrants of arrest were issued against him and ultimately he was declared proclaimed offender on 10.4.2019. Learned counsel further submits that the cheque amount is Rs. 5.00 lacs and the petitioner is ready to deposit 20% of the said amount which comes to

Rs. 1.00 lac.

Notice of motion to respondent No. 1-State only.

On the asking of the Court, Mr. Pawan Sharda, Sr. DAG, Punjab accepts notice on behalf of the State.

Notice to respondent No. 2 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 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 the condition that he would deposit Rs. 1.00 lac with the trial Court by way of demand draft in favour of Judicial Magistrate Ist Class, Rajpura and the said demand draft be deposited in a fixed deposit with any bank in Rajpura, fetching the maximum rate of interest.

(HARNARESH SINGH GILL)
JUDGE

September 30, 2020
Gurpreet

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