

Sr. No.104

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13220-2019

Date of decision:25.03.2019

Geetika

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. D.S.Matya, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.304 dated 06.03.2019 for the offences punishable under Sections 174-A IPC(wrongly mentioned as 174 IPC in FIR) registered at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner was wrongly declared as a proclaimed person. In the complaint filed under Section 138 of the Negotiable Instruments Act the address of the petitioner was wrongly described. Therefore, no notice, summon or warrant was ever served upon the petitioner. Hence the petitioner could not appear before the Court. Due to non-appearance, the petitioner has been declared as proclaimed person. Hence the petitioner apprehends her arrest. It is further submitted that the petitioner has no intention to flee from the course of justice. Since the petitioner has now come to know of the proceedings, therefore, petitioner intends to appear before the Trial Court. The only prayer is that the petitioner be protected against her arrest.

Notice of motion.

On the asking of the Court, Shri Vikas Malik, DAG, Haryana accepts notice on behalf of the State of Haryana and submits that he has no objection if the petitioner appears before the Trial Court

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.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 03.04.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

25th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*