

Sr. No.125

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

CRM-M-18157-2019

Date of decision:29.04.2019

Gurjeet Kaur

..... Petitioner

versus

State of Haryana and another

..... Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of Complaint No.162-I of 2013(Annexure P-1) dated 07.01.2013 filed under Sections 420, 467, 468, 471 and 506 each read with Section 34 of IPC, summoning Order dated 21.10.2013 and the proclamation Order dated 18.03.2014(Annexure P-3).

Learned counsel for the petitioner submits that he has the instructions to restrict the present petition only qua the challenge to the Order dated 18.03.2014(Annexure P-3) whereby the petitioner has been declared as proclaimed person.

Accordingly, the present petition is restricted to only the challenge qua the Order dated 18.03.2014(Annexure P-3), declaring the petitioner as proclaimed person.

Learned counsel for the petitioner submits that in this very case, the complainant had entered into a compromise with the father of the petitioner. Under that compromise, the complainant had even received the amount; as agreed between the parties. An understanding was given that he

would withdraw the complaint, therefore, petitioner would not be required to appear before the Trial Court. However, after five years, in the year 2019, the father of the petitioner has been arrested in this very case, because the complainant has backed out of the compromise. With the arrest of the father of the petitioner, she also came to know that even the petitioner has been declared as proclaimed person; vide impugned order(Annexure P-3). It is further submitted that the petitioner does not have any intention to flee from the course of justice. Since now petitioner has come to know that she is required to appear before the Trial Court, therefore, she intends to appear before the Trial Court to face the further proceedings, in accordance with law. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri M.D.Sharma, AAG, Haryana accepts notice on behalf of the State and submits that he has no objection if the petitioner appears before the Trial Court

At this stage, this Court does not find it necessary to issue the notice to respondent No.2, in view of the nature of the Order intended to be passed hereinbelow.

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 impugned Order dated 18.03.2014 (Annexure P-3) is quashed subject to the petitioner appearing before the

trial Court on or before 10.05.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on her furnishing bail bond/surety to the satisfaction of the Trial Court.

29th April, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*