

S.No.103

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

CRM-M-24837 of 2019 (O&M)

Date of Decision:29.05.2019

Anil KumarPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Yogesh Goel, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail as the petitioner has been summoned to face trial by the learned trial Court vide order dated 18.03.2019 while invoking the provisions of Section 319 Cr.P.C in case FIR No.392 dated 20.09.2010 registered under Sections 419, 420, 467, 468, 471, 474, 120-B IPC at Police Station Division No.5, Ludhiana.

Learned counsel for the petitioner contends that the case against the petitioner is hopelessly time barred. The alleged sale of the property by the petitioner is alleged to be in the year 2004. Thereafter, the complainant kept silent for a long time and the FIR was got registered only in the year 2010. Even during investigation, the petitioner was found to be innocent. Therefore, no challan was filed against him. However, after a gap of 15 years of the incident, now the petitioner has been summoned by the trial Court as an additional accused, by exercising powers under Section 319 Cr.P.C. It is further contended that the petitioner intends to appear before the trial Court. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any 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 submissions made by counsel for the petitioner but without commenting any further on merits of the case, the present petition is disposed of with a direction that in case the petitioner appears before the trial Court/Duty Magistrate on or before 10.06.2019, then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No