

Sr. No.108

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

CRM-M-39090-2019

Date of decision:13.09.2019

Shashi Kanta

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Mohnish Sharma, 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 in 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. It is submitted by the learned counsel for the petitioner that petitioner is neither the executant of the said sale deed nor he is the beneficiary. The petitioner is not even a witness to the alleged sale deed. 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. K.S.Aulakh, DAG, 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 23.09.2019, then she shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

13th September, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*