

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

CRM-M No.50138 of 2019 (O&M)
DATE OF DECISION : 26th NOVEMBER, 2019

Sandeep Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Gursimran Singh Madaan, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. by the petitioner to challenge order dated 05.11.2019 (Annexure P-9), whereby the petitioner was declared as proclaimed offender in case FIR No.07 dated 17.01.2018 registered under Sections 302 & 34 IPC at Police Station Passiana, District Patiala.

It is contended by counsel for the petitioner that after investigation of the alleged crime, the police had not found the petitioner to be involved in the case. Therefore, no challan was filed against her. However, subsequently the petitioner was ordered to be summoned by the trial court as additional accused, by exercising powers under Section 319 Cr.P.C. The said order was passed on 09.07.2019. Thereafter, although two-three dates were fixed before the trial court, however, the petitioner was never served with any notice, summons or warrants issued by the court. Hence, the petitioner could not appear before the trial court. Now, when the police visited her house in her absence, to arrest her, the petitioner came to know that the petitioner is involved in the present case. Since the petitioner has now come to know, that she is required to appear before the court, therefore, the petitioner intends to appear before the trial court, to face

further proceedings, in accordance with law. However, the only prayer is that the petitioner be protected against her arrest.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the State. He submits that the State has no objection to the protection being given to the petitioner, subject to the condition that the petitioner will appear before the trial court.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain 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, order dated 05.11.2019 (Annexure P-9) is quashed subject to the petitioner appearing before the trial Court on or before 12.12.2019. 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.

26th NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>