

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 50571 of 2019
Date of Decision: 28.11.2019**

Jyoti

.....Petitioner

Versus

Sunil Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Sunita Punia, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of complaint No. COMI/19/2019 dated 29.5.2019 titled 'Sunil Kumar versus Jyoti' under Sections 292, 384, 500, 506 IPC and Sections 67 and 67-A of Information Technology Act, 2000 and all the consequent proceedings arising therefrom including the summoning order dated 7.9.2019 (Annexure P-18).

Learned counsel for the petitioner states that in the complaint case pending before the Judicial Magistrate Ist Class, Pehowa, petitioner-Jyoti was never served and now non-bailable warrants have been issued against her. She further submits that petitioner is ready to appear before the trial Court and face the trial.

Notice in this case is not being issued as this would further delay the trial.

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 her sincere intention and desire to appear before the Court, then it would not be unjustified to protect her from being arrested.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court on 18.12.2019. On doing so, she shall be released on bail subject to her furnishing bail bond/surety bonds to the satisfaction of the trial Court and further subject to payment of Rs. 10,000/- as costs to be paid to the complainant.

(HARNARESH SINGH GILL)
JUDGE

November 28, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No