

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

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**CRM-M No. 52320 of 2019
Date of decision : 10.12.2019**

Gursewak Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. A.S. Manaise, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 8.1.2019, passed by Judicial Magistrate Ist Class, Faridkot, during the trial of case FIR No. 107 dated 11.5.2018, registered under Sections 420, 406, 465, 467, 468, 471 and 120B IPC at Police Station City Faridkot.

It is contended by learned counsel for the petitioner that the petitioner is not even named in the FIR. There is no role attributed to the petitioner in cheating the complainant Corporation of the Government. The only allegation against the petitioner, even as per the case of the prosecution, is that the petitioner has been a signatory to the fake lease deed qua the shop, which was taken on lease by Gurjant Singh, proprietor of firm M/s R.G. Traders, which is involved in cheating. Since the petitioner was not even named in the FIR, therefore, he was not aware of the proceedings going on against him. The petitioner came to know about the proceedings against him only in July, when the police came to his house in his absence to arrest him in connection with the present FIR. At that time, the petitioner came to know that he has been declared a proclaimed person. The petitioner had applied for

anticipatory bail. However, the same has also been declined. Hence, the petitioner is apprehending imminent arrest. But the petitioner does not have any intention to flee from the Course of justice. Now the petitioner is ready to appear before the trial Court or the investigating officer of the case. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Harbir Sandhu, 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 or the investigating officer to face further proceedings.

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 present petition is allowed and the order dated 8.1.2019 is quashed subject to the petitioner appearing before the investigating officer on or before 20.12.2019. It is further directed that in case the petitioner so appears before the investigating officer on or before 20.12.2019 to join the investigation; then in case of his arrest in connection with the FIR mentioned in the petition, he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Arresting Officer.

(RAJBIR SEHRAWAT)
JUDGE

10.12.2019

Ashwani