

Sr. No.102

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

**CRM-M-40495-2018
Date of decision:14.09.2018**

Vijay Gujar @ Vijay Gajjar

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This is an application seeking anticipatory bail in FIR No.1263 dated 25.12.2017 for the offences punishable under Section 174-A of IPC registered at Police Station Sadar, District Hisar.

Learned counsel for the petitioner contends that the petitioner was admitted to bail by the Trial Court in the main case at the initial stage. Since the petitioner has to come from Rajkot, Gujrat, therefore, he could not appear on 03 dates before the Trial Court. Out of these 03 dates, on 02 dates the petitioners appearance was exempted. However, on 3rd date the application was not accepted and the bail granted to the petitioner was canceled. As a consequence thereof, the above said FIR has come into being against the present petitioner, for default in appearance before the Trial Court in the main case.

It is further contended by learned counsel for the petitioner, that thereafter, the petitioner had applied for anticipatory bail in the main case. This Court had granted interim protection to the petitioner, with a direction to him to appear before the Trial Court; and with a further direction that in case the petitioner appears before the Trial Court; then he would be released on interim bail by the Trial Court. Pursuant to that Order dated 03.08.2018, the petitioner appeared before the Trial Court on 13.08.2018 and he was released on interim bail by the Trial Court, as is clear from the zimni order at Annexure P-3. However, the petitioner apprehends that he can be taken into custody in the above said FIR, despite he being on interim bail in the main case. Learned counsel further contends that the petitioner has no

intention to flee from the course of justice. He intends to appear before the Trial Court. The prayer is only that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Vikas Malik, DAG, Haryana accepts notice on behalf of the State of Haryana and Mr. Rose Gupta, Advocate accepts notice on behalf of the Complainant. Learned State counsel submits that he has no 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, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 26.09.2018. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

14th September, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*