

Vinod Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILLPresent: Mr. Gaurav Gupta, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for setting aside the impugned orders dated 03.08.2019, 09.10.2019 and 16.12.2019 passed by the learned Additional Sessions Judge, Faridabad in appeal pending against the conviction order dated 07.02.2018 passed by learned JMIC Faridabad in FIR No.4 dated 02.01.2014 registered under Sections 7, 10 and 75 of HDRUA Act at Police Station: Sector 55, Faridabad.

Learned counsel for the petitioner states that the petitioner was convicted under Section 10 of the Haryana Development and Regulation of Urban Area Act, 1975 for two years of simple imprisonment along with fine of Rs. 2,000/- vide order dated 07.02.2018 passed by learned JMIC Faridabad. Learned counsel further states that the petitioner filed an appeal against the said order and the same was listed on 05.03.2018 first time before the learned Additional Sessions Judge, Faridabad and thereafter, it was adjourned on nine occasions. The petitioner had been attending the proceedings before the Appellate Court for the last eight times but somehow, could not appear on 03.08.2019. The case is now fixed for

Notice of motion.

Mr. Rahul Mohan, DAG, Haryana accepts notice on behalf of the respondent-State.

In the present case, the petitioner had been regularly appearing before the Appellate Court but he could not appear on solitary date i.e. 03.08.2019 as he had changed the counsel and the newly engaged counsel assured the petitioner that the counsel himself will manage and there is no need for the petitioner to come present in the 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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the Appellate Court within 10 days from today. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds to the satisfaction of the Appellate Court and further subject to payment of Rs. 10,000/- as costs to the complainant.

(HARNARESH SINGH GILL)
JUDGE

12.03.2020
Maninder

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