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

**CRA-S-232-2024 (O&M)
Date of decision : 30.01.2024**

Vikas Kumar

...Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harmandeep Singh Saini, Advocate,
for the appellant.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.**CRM-3718-2024**

Application for placing on record Annexure P-4 is allowed
as prayed for, subject to all just exceptions.

Registry to do the needful.

Main case

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 14.12.2023, passed by learned Additional Sessions Judge, Hisar, whereby, application under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') for grant of pre-arrest bail to the appellant in FIR No.713 dated 22.10.2021, under Section 3 of the SC&ST Act; and Sections 323, 506 read with Section 34 of the Indian

Penal Code, 1860, registered at Police Station, HTM, District Hisar, was dismissed.

2. It transpires that appellant was on bail in the present case, but during trial on 24.07.2023, he absented himself and as such, his bail was cancelled; bonds furnished by him were forfeited to the State; and warrants of arrest were issued against him.

3. Contends that during the pendency of present case, appellant was falsely implicated in FIR No.609 dated 11.10.2022, under Sections 302, 307, 323, 325, 506 and 147 read with Section 149, registered at Police Station, Civil Line, Hisar and apprehending his arrest, he could not attend the Court proceedings; thus, the absence is neither intentional, nor willful.

4. *Per contra*, learned State counsel, on instructions, opposed the prayer of appellant on the premise that he is involved in 02 more FIRs. Also contends that despite being granted the concession of bail pending trial, appellant absented himself; therefore, his bail was rightly cancelled by learned trial Court.

5. Heard learned counsel for the parties and perused the paper-book.

6. Concededly, appellant is facing 02 more criminal cases, including one under Section 302 IPC; therefore, *prima facie* he is habitual offender, having no respect for the rule of law. Apart that, in the present case, despite the fact that appellant was granted bail pending trial, he deliberately evaded the proceedings and as a result thereof, his bail was cancelled; therefore, does not deserve the concession of pre-arrest bail.

7. In such a scenario, there is no option except to dismiss the appeal.
8. Ordered accordingly.
9. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
10. Pending application(s), if any, shall also stand disposed off.

30.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No