

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9266-2024

Date of decision: 21.02.2024

Vijay Kumar @ Randhir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Ms. Alka Sharma, Advocate for the petitioner.

NIDHI GUPTA, J.(ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 77 dated 06.09.2020 registered under Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Women Police Station Panckula, and staying the arrest of the petitioner.
2. The aforesaid FIR was registered on the basis of application moved by the complainant/mother of the victim which reads as under:-

*“To, The SHO, Women Police station, Panchkula. Sir,
My name is Ram Devi, resident of village Chhahi, Police station Sabarpur, District Unnav, Uttar Pradesh, presently resident of H.No.63, Sector: 12-A Rally, Panchkula. I have four children. The age of my younger daughter Kajal is 14 years. I and my daughter Kajal are working of cleaning in the kothis. Yesterday on 05.09.2020 evening, we had dinner*

and slept in the room. At about 1.00 AM I woke up and my daughter Kajal was not in her bed. I traced her. My daughter Kajal came to her room at about 3.30 AM. I asked my daughter Kajal as to where had she gone. Then my daughter told me that at 12.00 AM, a boy namely Vijay had called her to his room and Vijay has done wrong act with me. Legal action be taken against Vijay...”

3. The complainant in the present case is mother of the victim. The victim was 14 years of age at the time of occurrence. Challan in the present case was presented and the case is stated to be at the stage of recording of prosecution evidence. Vide order 25.09.2023 (Annexure P-2) the bail bonds already furnished by the petitioner were cancelled, as he was absent before the trial Court on the said date.

4. Learned counsel for the petitioner, *inter alia*, submits that the petitioner was regularly appearing before the trial Court on each and every date. It is submitted that the petitioner was not correctly informed about the date of hearing in the case by his counsel before the trial Court and as such, he had not appeared before the trial Court on 25.09.2023. She further submits that the petitioner is ready to furnish fresh bail bonds on the next date of hearing i.e. 26.02.2024.

5. No other argument is raised on behalf of the petitioners.

6. Notice of motion.

7. On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, accepts notice on behalf of respondent-State and vehemently opposes the prayer for grant of anticipatory bail to the petitioner

submitting that the petitioner intentionally remained absent before the trial Court on 25.09.2023. He further informs the Court that on the next date of hearing i.e. 06.12.2023 also, the petitioner had not appeared before the trial Court.

8. I have heard learned counsel for the parties.

9. Pre-arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. In the present case, the petitioner was earlier granted the concession of bail, but was absent before the trial Court on 25.09.2023. The plea taken by the petitioner for his absence from the trial Court that, he was not correctly informed about the date fixed by his counsel before the trial Court, is apparently incorrect. Be that as it may, by this time it is well settled that a litigant has to be vigilant throughout, till any legal proceeding initiated by him or against him is concluded. Thus, it was bounden duty of petitioner to remain in touch with his counsel to pursue his case. No reason has been explained as to why petitioner did not ever make any effort to ask his counsel about the next date of hearing in his case. The petitioner had also not moved any application seeking exemption from his personal appearance before the trial Court. Even, the petitioner had not appeared before the trial Court on the next date of hearing also i.e. 06.12.2023, as informed by learned counsel for the State. Such type of frivolous/false pleas are taken in routine by every litigant since last 3-4 decades. Much water has already flown. Now the time has come to deprecate and reject such type of frivolous pleas, taken in routine to abuse the process of law. More so,

ignorance of law is no excuse. In the instant case, the plea taken by the petitioner is completely vague, false and un-reliable. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, the instant petition is **dismissed**.

11. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

13.02.2024
rishu

(NIDHI GUPTA)
JUDGE

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