

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-24480-2015
Date of decision:28.7.2015**

Aarti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Hitesh Verma, Advocate for the petitioner.**RAMESHWAR SINGH MALIK, J. (Oral)**

Petitioner seeks pre-arrest bail in FIR No.21 dated 11.1.2007 registered under Sections 3, 4 and 5 of the Immoral Traffic Act at Police Station, Sadar Fatehabad.

Learned counsel for the petitioner submits that petitioner has been regularly appearing before the learned trial Court. However, because of some bonafide wrong impression, petitioner absented and as a consequence thereof, she was declared proclaimed offender vide order dated 25.11.2011 (Annexure P-2). Thereafter, co-accused of the petitioner were acquitted by the learned trial Court vide judgment of acquittal dated 24.12.2011 (Annexure P-3). Petitioner did not appear before the learned trial Court, thereafter, under the wrong impression that once her co-accused have already been acquitted, she would not be required to attend the court proceedings. In support of his contentions, learned counsel for the petitioner places reliance on order dated 23.9.2009 passed by this Court in CRM-M-26064-2009 (Surmeet Singh v. State of Haryana and another), order dated

12.12.2011 passed by this Court in CRM-M-34328-2011 (Rahul Dutta v. State of Haryana), and order dated 23.5.2012 passed by this Court in CRM-M-15530-2012 (Irvinder Kaur and another v. State of U.T. Chandigarh and another). He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case, petitioner has not been found entitled for concession of pre-arrest bail. It is so said because the petitioner is running from the law for the last more than 3½ years as she was declared proclaimed offender as far back as on 25.11.2011 vide order Annexure P-2. Acquittal of her co-accused will not entitle the petitioner for the concession of anticipatory bail, because the petitioner did not show any respect to the law and has not been appearing before the learned trial court for the last more than 3 ½ years.

Such a person, who does not show any respect to the justice delivery system, does not deserve any sympathy from the court as well. Justice delivery system must not be made to suffer at the hands of such a litigant. Further, despite being a woman, petitioner has been found involved in an offence under the Immoral Traffic Act, which in itself is serious. Having said that, this Court feels no hesitation to conclude that the petitioner is not entitled for the concession of anticipatory bail.

Coming to the orders relied upon by the learned counsel for the petitioner, there is no dispute about the law laid down therein. However, on perusal of the cited orders passed by this Court, none of them has been found of any help to the petitioner, being clearly distinguishable on facts. It

is so said because the order dated 25.11.2011 (Annexure P-2), whereby petitioner was declared proclaimed offender is not even challenged before this Court in the present petition. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others**, 2002 (3) SCC 533.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

However, before parting with the order, learned trial Court is directed that if the petitioner surrenders before it within a period of three weeks from today, her bail application shall be considered keeping in view the totality of facts and circumstances of the case noted hereinabove, passing an appropriate order at an early date, in accordance with law.

Disposed of, accordingly.

28.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE