

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

CRM-M-36869-2017(O&M)  
Date of decision:- 30.10.2017

Shind Kaur alias Surinderjit Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr. Sunil Agnihotri, Advocate  
for the petitioners.

Ms.Samina Dhir, DAG, Punjab.

Mr.Arn timer Sood, Advocate  
for respondent No.2 - complainant.

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**H.S. MADAAN, J.**

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Shind Kaur alias Surinderjit Kaur, an accused in complaint case titled *Avtar Singh Versus Harminder Singh and others*, under Sections 295-A, 499, 500, 506, 148, 149 IPC, Police Station Sadar, Pathankot, who had been facing trial in the Court of Judicial Magistrate Ist Class, Pathankot.

Since the petitioner had absented from the Court, her bonds were cancelled and she was ordered to be summoned through non-bailable

warrants. She applied for grant of pre-arrest bail in the Court of Sessions. Learned Additional Sessions Judge, Pathankot dismissed her application for pre-arrest bail vide order dated 22.9.2017 observing therein that the remedy was available to the petitioner to explain the emergency to concerned Court and to apply for fresh bail and further the application lacks merit on account of the reason that the petitioner left the country without prior permission of the Court. Learned Additional Sessions Judge, Pathankot had observed that though the petitioner had taken up a plea that the petitioner had to leave for Canada on emergency basis since her son was unwell but no document in support of that contention had been placed on file and she had misused the concession of bail in going abroad without seeking permission of the Court.

As such she has approached this Court asking for similar relief.

Notice of the petition was given to respondents and they appeared through counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is no merit in the petition.

Here the petitioner facing trial in the Court had not only absented herself without intimation to the Court but went abroad without seeking permission. To compound her wrongful conduct, she is shown to be giving contradictory reasons for the urgency in going abroad. Before Court of Sessions, the reason given was that it was due to the illness of her son, whereas before this Court the reason given is that her married daughter in Canada, who was in family way had developed some problem

and on account of medical advise, she had to rush to Canada to attend to her said daughter. Thus, it comes out that the reasoning given is obviously false. The petitioner cannot be allowed to blow hot and cold in the same breath. A person trying to mislead the Court is certainly not entitled to the discretionary relief of pre-arrest bail. As rightly observed by the Court of Sessions, the proper course for the petitioner was to appear in the Court concerned, move application for regular bail informing the factual position instead of seeking pre-arrest bail that too by giving false grounds. Therefore, no case for grant of pre-arrest bail on false grounds is made out. The petitioner not only had left India without prior permission of the Court but to compound that mistake, she is giving false reasons for doing so.

Therefore, this petition is doomed for failure and is dismissed accordingly.

30.10.2017  
Brij

**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**