

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

CRM-M-9029-2020
Date of decision:-2.3.2020

Nachhattar Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Paras Jagga, Advocate
for the petitioner.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Nachhattar Singh, an accused in FIR No.226 dated 19.10.2018 for the offences under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered with Police Station Tripari, Patiala.

Heard. Documents perused.

FIR No.153 dated 23.5.2016 for the offences under Sections 420, 465, 467, 468, 471 and 120-B IPC was registered against the petitioner with Police Station Tripuri, Patiala. He was arrested in this case on 26.6.2019 and was granted bail under Section 167(2) Cr.P.C. After release of petitioner, the Investigating Officer stated that petitioner will be arrested in this case. The petitioner had filed a petition for grant of pre-arrest bail before the Court of Sessions but the same was withdrawn statedly on account of verbal assurance given by the Investigating Officer

that he would not arrest the petitioner in this case. It transpires that on 28.8.2019 ASI Balwinder singh had filed an application for issuing production warrants of petitioner for the purpose of formally arresting him in case FIR No.226 dated 19.10.2018 for the offences under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered with Police Station Tripari, Patiala. His production warrants were issued for 29.8.2019. On 29.8.2019, the Court grant permission to the police to arrest the petitioner in the case bearing FIR No.226 dated 19.10.2018. Thereafter, the police filed an application for judicial custody, which was granted till 12.9.2019. Though the petitioner was not granted regular bail by any Court of competent jurisdiction yet he was released by jail authorities. When the real picture emerged realizing that he shall have to go behind bars, the petitioner had filed a petition for grant of pre-arrest bail before the Court of Sessions, which was withdrawn by him on 17.12.2019. Thereafter, the petitioner had approached Additional Sessions Judge, Patiala, who in his order dated 14.2.2020 observed that the applicant wants to take undue advantage of mistake of jail authorities for releasing him in the present case without getting any order from any Court and application was dismissed directing the petitioner to surrender before learned trial Court/Illaq Magistrate immediately. The application for second pre-arrest bail was dismissed with cost of Rs.2,000/- by learned Additional Sessions Judge, Patiala.

Therefore, the petitioner has approached this Court asking for similar relief.

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.

The petitioner came out of the jail on account of some mistake by the jail authorities. Now he want to take advantage of the lapse by the jail authorities asking for grant of pre-arrest bail when his release from the jail is obviously wrong and without any authority. Such type of person is not entitled to the concession of pre-arrest bail.

Thus, finding no merit in the petition, the same stands dismissed.

2.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No