

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

CRM-M-15631-2020

Date of decision:-1.7.2020

Amit

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Shilak Ram Hooda, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Amit, aged 26 years, an accused in FIR No.138 dated 16.5.2019 for the offences under Sections 147/148/323/506 IPC and 25 of Arms Act, 1959, registered with Police Station Chandimandir, District Panchkula.

Briefly stated, the facts of the case as per the prosecution story are that on 15.5.2019, after the birthday function of sister of complainant Chandan Dhingra at Green Villa Cafe was over, then Bhati @ Viraj, who had an earlier grudge with the complainant started abusing him. The complainant and some other persons tried to pacify Bhati @

Viraj but he became angry and went away holding out threats to them. After about half an hour said Bhati @ Viraj along with Pankaj, Amit (present petitioner) and Karnail Singh arrived at the spot and started beating up the complainant and his friends. They threatened to eliminate them. On the basis of written complaint dated 16.5.2019 submitted by complainant Chandan Dhingra, formal FIR in question was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Sessions Judge, Panchkula vide order dated 28.5.2019. Thereafter, he had approached this Court craving for grant of similar relief. When his such petition bearing CRM-M-26566-2019 came up for hearing, notice of motion was issued for 7.9.2019 and petitioner was directed to surrender before the Arresting/Investigating Officer and join the proceedings observing that on his doing so, he shall be released on interim bail, subject to deposit of Rs.30,000/- in the shape of bank draft within 10 days before the Area/Duty Magistrate, who shall hand over the same to the complainant. The petitioner was also directed to furnish bail bonds to the satisfaction of Arresting/Investigating Officer. This was so done vide order dated June 11, 2019. When the case came up for hearing on the next date on 9.9.2019, the State counsel upon instructions from ASI Yogdhyan stated that the petitioner had neither joined the investigation nor deposited Rs.30,000/- in terms of order dated 11.6.2019. Despite that he was shown leniency by the Court and request of the counsel representing the petitioner/accused was accepted and petitioner was granted some time to

appear before the Investigating Officer and to deposit an amount of Rs.30,000/- and the case was ordered to be listed on 21.10.2019 and interim order was directed to continue. The petitioner sought adjournments. Ultimately, on 21.1.2020, there was no representation on behalf of the petitioner. The State counsel on instructions from ASI Arjun Singh from Police Station Chandimandir, Panchkula stated that despite a specific direction issued by the Court, the petitioner had not joined the investigation. Therefore, the petition was dismissed.

As such, the petitioner has again approached this Court asking for similar relief, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the records.

Such type of petitioner/accused, who has openly flouted the directions issued by the Court earlier to join the investigation and to deposit a sum of Rs.30,000/- in the shape of bank draft with the Court for the same being handed over to the complainant, does not deserve discretionary relief of pre-arrest bail. 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 second petition for pre-arrest bail under the circumstances is not maintainable. Learned counsel for the petitioner has failed to render any convincing explanation as to why the orders passed by the Court in the earlier petition were not complied with.

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

dismissed.

1.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No