

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

CRM-M-34106-2020

Date of decision:-28.10.2020

Santosh Kaur @ Simran Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms.Kuljit Kaur, Advocate
for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Santosh Kaur @ Simran Kaur, aged 35 years, resident of Lohgarh Road, Zirakpur, District SAS Nagar (Mohali), an accused in FIR No.114 dated 30.7.2017 for the offences under Sections 279, 337, 338, 427 and 304-A IPC, registered with Police Station Division No.2, Jalandhar.

Briefly stated, the facts of the case are that such petitioner was facing trial in this case in the Court of Magistrate at Jalandhar. During pendency of the trial, she absented from the Court, resultantly her bonds were cancelled and forfeited to the State and she was ordered to be summoned through non-bailable warrants. She could not be arrested in this case. Proclamation under Section 82 Cr.P.C. was issued against her

but despite that she failed to appear in the Court, as such was declared a proclaimed offender vide order dated 21.5.2019. Subsequently, she approached the Court of Sessions at Jalandhar moving application for regular bail, which was not found to be maintainable and was dismissed. Similar was the second application for anticipatory bail filed by the petitioner, which was rejected vide order dated 7.10.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr. Amit Mehta, Sr.DAG, Punjab has appeared on behalf of respondent – State and accepts notice on behalf of respondent – State. He opposes the petition.

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

The explanation being offered by the petitioner that she could not appear in the trial Court on account of a matrimonial dispute with her husband Sanjay Chauhan alias Bobby, who in connivance with her legal lawyer at Jalandhar had kept her in dark regarding pendency of trial and now she is ready to appear in the Court, does not seem to be plausible and convincing. The petitioner having jumped bail during the proceedings in the trial Court having been declared a proclaimed offender cannot be permitted to approach the Court as per her convenience and wishes seeking 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 accused, who are guilty of such type of wrongful conduct. The petitioner rather than

surrendering in the trial Court and rendering explanation for her absence from the Court has chosen to bye-pass that Court asking for issuance of directions to that Court by superior Court to release her on bail in event of her appearance there. Pre arrest bail is certainly not meant for such type of persons.

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

28.10.2020

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**