107 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-107-2021
Date of decision-06.01.2021

Gurnam Singh **...Petitioner**

Vs.

State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Arora, Advocate for the petitioner.

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MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.170 dated 08.09.2017 registered under Sections 406 and 420 Indian Penal Code, 1860 at Police Station Bhogpur, District Jalandhar Rural.

During the course of hearing, it is not disputed by learned counsel that because of the absence of the petitioner, the trial Court cancelled his bail on 13.05.2019 and issued non-bailable warrants to secure his presence, however, the petitioner applied for pre-arrest bail before the Court of Sessions. The said prayer was accepted vide order dated 15.07.2019 (Annexure P-1) and direction was given to the petitioner to surrender before the trial Court within a period of 15 days and upon his appearance, the trial Court was directed to release him on bail. Learned counsel has submitted that the said order was never complied with and he again applied for the anticipatory bail in October, 2020 and the said application has been declined vide order dated 04.12.2020 (Annexure P-2) on the ground of

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maintainability.

Considering the above background, this Court finds that the petitioner was well aware of the trial proceedings and instead of joining the same, he has willfully and deliberately kept himself away from those proceedings. Since the petitioner was already on regular bail during trial and therefore in the given facts his application for pre-arrest bail is not maintainable in view of the decision dated 04.04.2019 delivered by this Court in CRM-M No.15464 of 2019 (***Balwant Singh @ Banta Versus State of Punjab***).

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

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Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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