

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

CRM-M-3113-2021 (O&M)

Date of decision: 22.01.2021

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Arun Gupta, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Mukesh, an accused in FIR No.448 dated 14.06.2017, for an offence under Section 174-A IPC, registered with Police Station Karnal Civil, District Karnal.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and opposes the bail petition.

Briefly stated facts of the case are that, petitioner Mukesh was declared as a proclaimed offender in FIR No.41 dated 13.02.2003, for offences under Sections 406 and 120-B IPC, registered with Police Station Civil Line, Karnal; on matter being reported, FIR No.448 dated 14.06.2017, for an offence under Section 174-A IPC, was registered at Police Station Karnal Civil, District Karnal; the accused was challaned in

that case; he was on regular bail and attending the dates of hearing in the trial Court, however, he absented without any intimation on 11.12.2019, with the result, his personal bonds and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest with notice to his surety for 23.03.2020; accused could not be arrested.

He has approached this Court for grant of pre-arrest bail, contending that his non-appearance in the Court was not intentional or willful but on account of outbreak of COVID-19.

I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no reason to accept the petition. The explanation rendered for non-appearance in the Court is not plausible and convincing. Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest. The proper course for the petitioner was to surrender in the trial Court and move application for regular bail, apprising it of all the facts and circumstances, rather than rushing to this Court, seeking pre-arrest bail. A person who is guilty of wrongful conduct can certainly be not granted protection of anticipatory bail. The petition is found to be without any merit and is dismissed accordingly.

22.01.2021

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(H.S. MADAAN)
JUDGE

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