

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

**CRM-M-16737-2021
Date of decision:-23.4.2021**

Arvind Goyal

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

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

Present : Ms.Naveen Malik, Advocate
for the petitioner.

Mr.Rajeev Vij, APP, U.T. Chandigarh.

H.S. MADAAN, J.(ORAL)

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Arvind Goyal, aged 35 years, resident of House No.771/2, Sector 4, Karnal, an accused in FIR No.532 dated 1.10.2009, under Sections 419, 420, 457, 468 and 471 IPC, registered with Police Station Sector 34, Chandigarh.

On conclusion of trial, the petitioner had been convicted and sentenced by the Court of Magistrate against which he had preferred an appeal, which was pending before Additional Sessions Judge, Chandigarh and since he absented from the Court without any intimation on 25.2.2021, his bail bonds and surety bonds were cancelled and

forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest for 16.4.2021. Therefore, the petitioner has knocked at the door of this Court craving for grant of pre-arrest bail, which request is being opposed by the counsel representing U.T. Chandigarh.

I have heard learned counsel for the parties besides going through the records and I find that the petition is doomed for failure.

With petitioner having jumped bail before the Court of Additional Sessions Judge, Chandigarh and non-bailable warrants of arrest having been issued against him, in that way he is an absconder and he is not entitled to any protection under Section 438 Cr.P.C. The proper course for the petitioner was to surrender before learned Additional Sessions Judge, Chandigarh and move an application for regular bail explaining all the facts and circumstances rather than rushing to this Court asking for anticipatory 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 help the persons, who are renegades of law and not to the accused in criminal case, who is on run with non-bailable warrants of arrest having been issued against him. Therefore, the petitioner is not entitled to discretionary equitable relief.

Another defect in the petition is that this is the second petition filed by petitioner under Section 438 Cr.P.C. inasmuch as he had filed a similar petition earlier in this Court bearing CRM-M-4703-2018, which was finally disposed of on 12.3.2018. This is so mentioned

in the report by the Registry. However, in the instant petition, it is reflected to be first petition, which is factually wrong and petitioner has furnished an affidavit in that regard to that effect, which is also contrary to the factual position. Therefore, the conduct of the petitioner by suppressing the material facts from this Court and rather made misrepresentation, clearly debars him from claiming anticipatory bail.

Therefore, the petition stands dismissed.

(H.S.MADAAN)
JUDGE

23.4.2021
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No