

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

CRM-M-17208-2021

Date of decision:-23.4.2021

Lovepreet Singh @ Love

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr.R.S. Sekhon, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Lovepreet Singh @ Love, aged about 21 years, resident of village Lumbri Wala, District Ferozepur, an accused in FIR No.7 dated 18.1.2020, under Sections 363, 366-A IPC (Section 376 IPC and Sections 3 & 4 of Protection of Children from sexual Offences Act, 2012 added later on), registered with Police Station Kulgarhi, District Ferozepur.

The petitioner while on bail had been appearing before the trial Court of Additional Sessions Judge (Fast Track Court, exclusively dealing with rape cases), Ferozepur. However, he absented from the proceedings without any intimation, with the result his personal and surety bonds were cancelled and he was ordered to be summoned through non-bailable warrants of arrest for 20.4.2021. Therefore, the petitioner has knocked at the door of this Court craving for grant of pre-arrest bail.

I have heard learned counsel for the petitioner 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 (Fast Track Court, exclusively dealing with rape cases), Ferozpur 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 (Fast Track Court, exclusively dealing with rape cases), Ferozpur and move 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.

Finding no merits in the petition, the same stands dismissed.

23.4.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No