

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

CRM-M-19432-2021

Date of decision:-1.7.2021

Harbhajan Singh @ Bhajja

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr.Ritesh Pandey, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

By way of filing the present petition under Section 482 Cr.P.C., petitioner Harbhajan Singh @ Bhajja, an accused in FIR No.125 dated 2.6.2020, under Sections 21 and 29 of NDPS Act, registered with Police Station Dina Nagar, District Gurdaspur, is seeking quashing of order dated 17.3.2021 vide which his bail bonds had been forfeited. He further craves for issuance of direction to the trial Court to release him on bail in the event of his appearance in the said Court.

According to the petitioner his failure to appear in the trial Court on 17.3.2021 was not intentional but on account of noting down a wrong date.

After hearing learned counsel for the petitioner and going through the record, I find that the present petition is totally

misconceived and unwarranted. Admittedly, petitioner Harbhajan Singh @ Bhajja along with co-accused Jeevan @ Labha had been granted interim bail by the trial Court vide order dated 30.7.2020 and they were released from custody on furnishing of personal bonds. They were required to appear before the trial Court on 17.3.2021 but they failed to put in appearance resulting in the bonds furnished by them being forfeited and non-bailable warrants having been issued against them. The reason given in the petition that non-appearance of the petitioner was on account of wrong noting down of the date comes out to be unconvincing and fabricated. Even if for a moment the contention of petitioner is accepted, then on coming to know about passing of the impugned order, the petitioner should have surrendered before the trial Court rendering his explanation and asking for grant of bail but he did not do so and rather rushed to this Court by way of filing the present petition, which as a matter of fact does not make any sense and it appears to be hybrid in nature of petition under Sections 482 and 438 Cr.P.C.

I do not find any illegality or infirmity with the impugned order passed by Judge, Special Court, Gurdaspur and no ground is there to exercise power under Section 482 Cr.P.C. to set aside that order. Rather that order needs to be given effect to by way of arrest of the petitioner and causing his appearance before the trial Court. The petitioner by way of filing the present petition is trying to misuse the process of law by absenting from the trial Court without any intimation and when his bonds were forfeited and non-bailable warrants issued against him, rushing to this Court seeking setting aside of the said order

instead of surrendering in that Court and rendering necessary explanation. It comes out that the petitioner is trying to abuse the process of law. The ends of justice demand that this petition should be dismissed. In the garb of filing the present petition under Section 482 Cr.P.C., the petitioner is seeking relief of pre-arrest bail. Such type of petition, which suffers from inherent legal defects, also can certainly be not accepted and is bound to fail.

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

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1.7.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No