

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

CRM-M-20824-2021 (O&M)

Date of decision: 25.05.2021

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. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Harbhajan Singh @ Bhajja, an accused in FIR No.125 dated 02.06.2020, for offences under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered with Police Station Dina Nagar, Gurdaspur, who was on interim bail, facing trial before Judge, Special Court, Gurdaspur but he along with his co-accused Jiwan @ Labha absented from the Court on 17.03.2020; resultantly, their bail bonds and personal bonds were cancelled and forfeited to the State; they were ordered to be summoned through non-bailable warrants of arrest for 26.05.2021.

Faced with such situation, petitioner Harbhajan Singh @ Bhajja has approached this Court, by moving an application for grant

of pre-arrest bail.

I have heard learned counsel for the petitioner besides going through the record.

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 and interrogation by the investigating agency. Here the petitioner is an absconder, who while being on interim bail had absented from the Court without any intimation on 17.03.2020. Resultantly, his personal bonds and surety bonds were cancelled and forfeited to the State. The reasoning given in the petition is that absence was on account of wrong noting down of the date. This justification does not seem to be plausible and satisfactory, since such type of ground is usually taken up by an accused who absent from the Court proceedings without any intimation. In para No.4 of the petition itself, it is mentioned that on 17.03.2020, the case was listed before the Court, however, the petitioner wrongly noted down the date as 17.04.2021. This is highly improbable. No Court would have given a date exceeding one year. Even otherwise, the proper course for the petitioner is to surrender before the trial Court and render requisite explanation for his absence from the proceedings. He may move application for regular bail, if so advised but filing of petition for pre-arrest bail without adopting that

course in an attempt to overreach and bypass the said course is uncalled for. Thus, finding no merit in the instant petition, the same stands dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.05.2021
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(H.S. MADAAN)
JUDGE

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