

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

CRM-M-44441 of 2019

DATE OF DECISION :- July 05, 2021

Sadhu Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

Learned counsel for the petitioner states that he had been superseded by Sh. Ramesh Sharma, Advocate who had appeared in the Court on 25.2.2020 and he has no instructions to appear in this case. Mr. Ramesh Sharma, Advocate has not come present, therefore, I proceed to decide the petition by hearing the State counsel going through the record.

Petitioner Sadhu Singh, an accused in a criminal complaint under Section 138 of the Negotiable Instruments Act filed by complainant Balkar Singh was tried by Judicial Magistrate, Ist Class, Mukerian and vide judgment dated 8.9.2017, he was convicted and in terms of the order passed on that very date, he was sentenced to undergo rigorous imprisonment for one year and to pay compensation equivalent to amount to cheque in question to the complainant. It was clarified that payment of compensation shall be subject to result of appeal and revision if any preferred by the convict. The accused preferred an appeal against the judgment of his conviction and sentence in the Court of Sessions where it was pending,

however, he absented from the Court on 4.7.2019, resultantly his bail order was cancelled and the trial Court was directed to get the sentence of imprisonment executed as per law. The accused has approached this Court seeking pre-arrest bail, which request is being opposed by the State counsel.

After hearing learned State counsel and going through the record, I find that no case for grant of pre-arrest bail to the petitioner is made out. Petitioner is an absconder having jumped bail during proceedings before Additional Sessions Judge, Hoshiarpur. The proper course for him was to surrender before that Court and to tender necessary explanation for his absence from the Court on 3.10.2017 while praying for grant of regular bail again. However, instead of doing so he has tried to bye-pass the said Court and has knocked at the door of this Court seeking pre-arrest bail which can certainly be not granted to him. In view of the facts and circumstances of the case, pre-arrest bail is a discretionary equitable relief which is not to be granted in routine but in exceptional cases to save the innocent persons from harassment and inconvenience and not to shield the criminals from arrest and interrogation. As per orders passed by learned Additional Sessions Judge, Hoshiarpur, the trial Court has been directed to get sentence of imprisonment executed against him. Therefore, the petition is bound to fail and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

July 05, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No