

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

CRM-M-7943-2022

Date of decision-24.02.2022

Prem Chand

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.132 dated 09.07.2021 under Section 229-A Indian Penal Code, 1860 registered at Police Station City, District Hoshiarpur, who apprehends his arrest at the hands of police.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Hoshiarpur in his order dated 31.08.2021 are as under:-

“As per allegations, this case was registered at the instance of Sh.Simarandeep Singh Sohi, Judicial Magistrate Ist Class, Hoshiarpur vide endorsement No.397, dated 9.7.2021. The accused was convicted for six months under Sec.138 NI Act and to pay compensation. To prefer appeal, he has moved an application for suspension of sentence under Sec.389 Cr.PC. He was directed to furnish bail bonds/surety bonds within a week. Nonailable warrants were issued vide order dated 29.11.2019 which were received on the report that he was not found on the given address. The case was registered.”

Learned counsel for the petitioner has argued that the trial Court by exercising the power under Section 389 Cr.P.C had suspended the sentence of the petitioner vide order dated 29.10.2019 (Annexure P-1), to enable him to prefer the appeal and the petitioner/convict had furnished his personal bail bonds and was directed to furnish the requisite bail bonds/surety bonds within a period of a week, but because of communication gap, the said direction could not be complied with. He submits that though appeal against the judgment of conviction was preferred by him and the appellate Court had also suspended the sentence of the petitioner vide order dated 26.11.2021 (Annexure P-3) and was further directed to furnish the bail bonds and surety bonds before the trial Court within 15 days. He submits that since the petitioner failed to appear before the trial Court for compliance of the directions, the trial Court ordered registration of case against him vide order dated 09.07.2021 (Annexure P-4). Considering the nature of the case, as nothing is to be recovered from the petitioner his custodial interrogation may not be necessary, particularly, when the petitioner is ready to comply with the directions previously issued by the trial Court. He prays for anticipatory bail.

After hearing learned counsel for the petitioner and considering the above background, this Court is of the opinion that the petitioner after getting the concession of suspension of sentence from the trial Court, not only violated the directions for furnishing the

requisite bonds before the trial Court, but also never appeared before the trial Court. There is nothing on record to show that even after the direction passed by the Appellate Court on 29.11.2019, the petitioner ever appeared before the trial Court. It is apparent that the petitioner has been deliberately keeping himself away from the concerned Court, therefore, considering the conduct of the petitioner, he does not deserve the concession of pre arrest bail.

Resultantly, no ground is made out for extending the extra ordinary concession of pre-arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

24.02.2022

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