

CRM-M-15415-2021

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

CRM-M-15415-2021 (O & M)

Date of decision: 21.03.2022

Harjinder Singh @ Jinda

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarun Seth, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.15 dated 29.01.2021, registered at Police Station Dakha, Ludhiana Rural, under Sections 21 and 22 NDPS Act, 1985.

Custody certificate dated 18.03.2022, by way of affidavit of the Deputy Superintendent, Central Jail, Ludhiana, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioner submits that he has no instructions as to whether the petitioner has surrendered before the jail authority post expiry of the period of interim bail granted to him, vide order dated 26.08.2021 passed by a Coordinate Bench.

I have heard the learned counsel for the parties.

A perusal of the record would show that the petitioner was released on interim bail for a period of three months, vide order dated 26.08.2021 passed by the Coordinate Bench. However, vide order dated

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26.11.2021 passed by this Court, an application moved by the petitioner for extension of interim bail, was dismissed. A perusal of the custody certificate would show that the petitioner was released on interim bail on 30.08.2021 and he is not confined in the jail, meaning thereby the petitioner has not surrendered before the jail authority, in compliance of the order dated 26.08.2021.

The petitioner did not opt to surrender before the jail authority for the reasons best known to him and thereby violated the order passed by this Court. It is not open to a party to dictate the terms of surrender, when a specific direction was issued in the order itself. If an accused wilfully flouts the order of the Court, then he can expect no equitable relief from the Court and he must be made to bear the consequences of his action. After having obtained the order of interim bail, the petitioner cannot be allowed to sleep over its compliance. If such a course is allowed, every accused will ignore the directions/orders issued by the Court and when caught out, he would throw himself at the mercy of the court.

In my view, in cases like this, the petitioner-accused in default must not be allowed to enjoy the benefits of his action.

Therefore, finding no merit in the present petition, the same is dismissed.

However, the prosecution agency will take appropriate action against the petitioner for not surrendering before the jail authority.

21.03.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No