

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

CRM-M-22917-2022

Date of Decision :- 27.5.2022

Chamkaur Singh and others

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr.J.S. Dhaliwal, Advocate
for the petitioners.

Mr.Anmol Singh Sandhu, AAG, Punjab.

H.S.MADAAN, J. (ORAL)

On a petition bearing CRM-M-53571-2019 for pre-arrest bail having been filed by petitioners Chamkaur Singh, Sukhchain Singh and Jiwan Singh in case FIR No.129 dated 2.9.2019 for the offences under Sections 341, 324, 323, 148, 149 IPC (Section 326 IPC added later on vide DDR No.30 dated 12.11.2019) at Police Station Bikhi, District Mansa, vide order dated 20.1.2020 interim bail granted to petitioner No.1 Chamkaur Singh and petitioner No.3 Jiwan Singh was made absolute, subject to fulfilment of conditions under Section 438(2) Cr.P.C., whereas such petition with regard to petitioner No.2 Sukhchain Singh had been dismissed vide order dated 16.12.2019. Dana Singh @ Mangla Singh and Nanak Singh, accused are said to have approached this Court by way of filing CRM-M-51999-2019 for pre-arrest bail and vide

order dated 20.1.2020, their petition was accepted.

The petitioners are said to have filed a petition before this Court seeking quashing of the FIR, which is stated to be pending in this Court fixed for 19.7.2022. As it comes out from the perusal of the petition, the petitioners had jumped bail during trial with the result warrants of arrest have been issued against them. They are said to have approached the Court of Additional Sessions Judge, Mansa seeking pre-arrest bail but were unsuccessful, as such, they have approached this Court by way of filing the present petition. A perusal of the petition goes to show that petitioners have mentioned it to be the First Petition for grant of pre-arrest bail, which is factually wrong since as reported by the Registry this is a second petition. This misrepresentation so made cannot be taken lightly. Even otherwise, the petitioners have jumped bail during the trial, resultantly non-bailable warrants of arrest have been issued against them. The explanation rendered on behalf of the petitioners is that their non-appearance in the Court on 24.3.2022 was not intentional or wilful but on account of the reason that they had filed a petition for quashing of the FIR before this Court and they were under an impression that for that reason they were not required to appear in the Court. This explanation is least convincing. Ignorance of law is no excuse. The proper course for the petitioners was to surrender in the trial Court and to render necessary explanation for their absence from the Court on the date of hearing, rather than seeking pre-arrest bail. Under the circumstances, no case for grant of pre-arrest bail to the petitioners is made out.

Faced with this situation, counsel for the petitioners

while expressing regrets for mentioning it to be the First petition for grant of pre-arrest bail instead of the same being Second one, prays that he be permitted to withdraw the present petition.

Learned counsel for the petitioners has been advised to be careful in future in such like matters. However, he is permitted to withdraw the present petition.

Dismissed as withdrawn.

27.5.2022

Brij

Whether reasoned/speaking :

Whether reportable :

Yes/No

Yes/No

(H.S. MADAAN)
JUDGE