

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-51476-2022

Date of Decision: 24.11.2022

Harinder Singh @ Harry

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.C.S.Rana, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 09.09.2022 (Annexure P-5) passed by learned Additional Sessions Judge, Ludhiana whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No. 0015 dated 17.01.2017, under Section 365 IPC and (Sections 302/328/201/34 IPC and Section 21 of NDPS Act, 1985 added later on) registered at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioner submits that petitioner was extended concession of regular bail vide order dated 11.05.2022 passed by this Court in CRM-M-1577-2021. The petitioner failed to appear before trial Court and on 09.09.2022, learned Additional Sessions Judge ordered to cancel bail bonds and further issued non-bailable warrants of arrest.

Learned State counsel fairly does not dispute the facts, however, prays for imposition of costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

The object of arrest is neither punitive nor preventive. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by Article 21 but also freedom guaranteed by Article 19(1) of our Constitution. Life of every human being is most precious gift of God and everyone has very limited span of life which cannot be spoiled on account of incompetence, personal grudge, vengeance of someone; or brutal, illegal, unethical action of the State machinery. Except habitual offender, commoners living simple life after arrest lose self-respect and confidence within himself as well State. It has become very common to put criminal law in motion even though dispute involved is purely contractual or civil in nature. Many times arrest entails deprivation of source of income of entire family besides forever stigma in a closely knit society like ours. There is neither mechanism to compensate a man who is later on found innocent nor acquittal can return valuable time, energy, status, future of family members especially children which is lost on account of incarceration of bread earner of the family. Imprisonment before conviction is a sort of punishment

especially when rate of conviction in our country is abysmally low.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- ii) The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The petitioner is resident of Jagraon and trial is pending at Ludhiana, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- v) The petitioner was initially granted regular bail by this Hon'ble High Court;
- vi) Trial is pending since 2017 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before Trial Court on 09.12.2022 and furnish fresh bail bond/surety bond to its satisfaction. The petitioner, as agreed shall

pay costs of Rs.10,000/- to be paid to the District Legal Services Authority, Ludhiana.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

24.11.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>