

CRM-M-50860-2022

Date of Decision:22.11.2022

Raghav Nagpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Puneet Sharma, Advocate with
Mr. Deepanshu Gupta, 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 30.08.2022 (Annexure P-6) passed by JMIC, Ferozepur whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner and order dated 15.09.2022(Annexure P-7) and 21.10.2022 (Annexure P-8).

Learned counsel for the petitioner submits that the alleged offence is bailable offence. The petitioner was initially released on bail and thereafter, he was regularly appearing before the trial Court however, he failed to appear before the trial Court on 30.08.2022. Learned trial Court on 30.08.2022, cancelled the bail bonds and ordered to summon the petitioner through non-bailable warrants of arrest. The petitioner is ready to pay costs of Rs.25,000/-.

CRM-M-42247/2022 seeking quashing of FIR on the basis of compromise is

pending before this Court.

Learned State counsel submits that State has no objection in case the said prayer is allowed subject to 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. 25,000/-;
- (iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (iv) The petitioner is not involved in any other offence;
- (v) The Petitioner has already compromised the matter with complainant and quashing petition is pending before this court;
- (vi) The petitioner is resident of Basti Tankan Wala, Ferozepur City, District Ferozepur and trial is pending at Ferozepur, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;
- (vii) The petitioner is accused of commission of bailable;
- (viii) 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 or before 23.12.2022 and furnish fresh bail/surety

bonds to the satisfaction of the trial Court/Duty Magistrate concerned with costs of Rs.25,000/- to be paid to District Legal Services Authority, Ferozepur.

November 22, 2022
P.Bhatt

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No