

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-54001 of 2022

Date of Decision: 21.11.2022

Navjot Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Gupta, Advocate
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL,J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking grant of anticipatory bail in FIR No. 33 dated 9.2.2022, under Section 22 of NDPS Act, registered at Police Station Model Town, Hoshiarpur.

Learned counsel for the petitioner submits that petitioner was arrested on the basis of disclosure statement of co-accused Parwinder Singh @ Bittu and thereafter released on bail vide order dated 11.4.2022 passed by Judge Special court, Hoshiarpur. The petitioner was admitted in hospital from 28.10.2022 to 30.10.2022 and because of this fact, could not appear before trial court on 29.10.2022 which for the said reasons has cancelled bail of the petitioner. The non-appearance was unintentional and he undertakes to appear on each date and be vigilant in future.

Notice of Motion.

On the asking of the Court Mr. Amish Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and 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:

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 fresh bail/surety bond to the satisfaction of the trial court;
- (iv) The Petitioner is not involved in any other offence;
- (v) The petitioner is resident of Hoshiarpur and trial is pending at Hoshiarpur, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- (vi) The petitioner was initially granted interim bail by learned Judge Special Court, Hoshiarpur on 11.4.2022;
- (vii) The petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution;

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 learned Trial Court on 29.11.2022 and furnish fresh bail bonds. The petitioner, as agreed, shall pay costs of Rs. 25,000/- to be paid to the District Legal Services Authority, Hoshiarpur.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

21.11.2022
paramjit

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