



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

CRM-M-31476-2025

Date of Decision: 03.06.2025

Bhola Singh

....Petitioner

VS.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajay Pal Singh Gill, Advocate
for the petitioner

Mr. Karunesh Kaushal, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. Through instant petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita/ 438 of Code of Criminal Procedure, 1973, the petitioner is seeking pre-arrest bail in FIR No. 0006 dated 08.01.2024, under Sections 15(b), 27, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that petitioner was granted interim bail by trial Court vide order dated 14.02.2024. The petitioner, due to unavoidable family circumstances, could not appear before the trial Court on 03.12.2024 and 09.04.2025. Learned Trial Court passed order of proclamation. The petitioner is ready to face trial without any



default. He is not involved in any other FIR. The lapse, if any, was unintentional and petitioner is ready to pay costs of Rs.10,000/-.

3. 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.

4. 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.

5. 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 not involved in any other offence;
 - v) The 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 learned Trial Court on or before 01.07.2025 and on his doing so, the Trial Court shall admit him to bail on furnishing bail bonds alongwith costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Sri Muktsar Sahib.

6. Disposed of in above terms

03.06.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No

