



(201)

CRM-M-65318-2024 (O&M)

Harpreet Singh
Vs
State of Punjab

Present:- Mr. Bipan Ghai, Senior Advocate,
with Mr. Nikhil Ghai, Advocate,
Mr. Paras Talwar, Advocate,
Mr. Akhil Godara, Advocate,
Mr. A.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Saurav Khurana, Additional Advocate General, Punjab.

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1. CRM-M-65318-2024 is the fourth application filed by the petitioner seeking regular bail in case FIR No. 45 dated 03.03.2013 under Sections 21, 22, 27, 27-A, 29/18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 467, 468, 471, 201 and 120-B of the Indian Penal Code and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

2. Pertinently in the first instance, interim bail was granted to petitioner by this Court on 02.08.2014 on the ground of his wife's ailment. Thereafter, the second bail application i.e. CRM-M-29730-2014 filed by petitioner was dismissed as withdrawn on 29.08.2014. The petitioner after his release on interim bail absconded and was proclaimed as an absconder on 07.11.2014.

3. In the meanwhile, trial against six other co-accused was concluded culminating in conviction by the trial Court vide order dated 13.02.2019 for the offences punishable under Sections 201, 465, 468 and 471 of the IPC, Sections 21, 22, 29 of the NDPS Act and Section 25 of the Arms Act and sentenced to undergo different terms ranging from 11 to 15 years.

4. The petitioner, thereafter, again approached this Court by filing CRM-M-15347-2023 which was dismissed as withdrawn by the Coordinate

Bench vide order dated 16.07.2024 with the direction to learned trial Judge to conclude the trial within four months.

5. Because of absconsion of petitioner from August, 2014 to 23.11.2020 (when the petitioner was arrested) the trial got delayed.

6. Since then the petitioner is in custody and as per custody certificate dated 27.02.2025, which is filed by learned State counsel in Court today and is taken on record, his total custody period is about 05 years, 07 months and 17 days.

7. The contention of learned senior counsel for the petitioner is that the trial continues to be pending. However, it is not disputed by learned senior counsel for the petitioner that 16 prosecution witnesses have since been examined out of total 52 PWs.

8. The jurisdiction of bail is highly discretionary in nature and depends upon various variable factors including past conduct of the accused. If an accused misuses the concession of bail granted to him once, he cannot be trusted again unless, of course, some compelling circumstances arise.

9. The petitioner by remaining absconding for more than six years i.e. from August, 2014 to November, 2020 has delayed the trial for reasons solely attributed to him and has displayed utter disregard for rule of law.

10. As such, the petitioner is not entitled to seek discretionary jurisdiction of bail, since grant of bail in the attending facts and circumstances would amount to grant of premium to default.

11. Consequently, the present application stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

28.02.2025

AMODH SHARMA
2025.03.01 17:07
I attest to the accuracy and
authenticity of this
order/judgement