

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

**CRM-M-27192 of 2015
Date of Decision: 17.8.2015**

Bhavjinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Naveen Batra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 139 dated 11.10.2014 under Sections 379/188/34 IPC and Sections 21 (1) of Mines and Minerals Act, 1952 registered at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner submits that although petitioner was granted interim anticipatory bail by the learned Additional Sessions Judge (Fast Track Court) vide order dated 15.12.2014, yet the petitioner could not join the investigation as he was apprehending arrest in another case. He further submits that since the petitioner was having a bonafide difficulty, he is entitled for the concession of anticipatory bail. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length and after going through the record of the case, particularly orders dated 20.1.2015 (Annexure P-3) and 5.8.2015 (Annexure P-4), passed by the learned Additional Sessions Judge,

this Court is of the considered opinion that petitioner is not entitled for the concession of anticipatory bail. It is so said, because petitioner has misused the concession of interim anticipatory bail granted to him by the learned Additional Sessions Judge, vide order dated 15.12.2014. This was the reason that learned Additional Sessions Judge, Rupnagar, rightly dismissed the anticipatory bail application of the petitioner vide order dated 20.1.2015.

Further, petitioner was misusing the process of law, while moving second application for anticipatory bail, which was not even maintainable, because there was no change in the circumstances. Second application moved by the petitioner was rightly dismissed by the learned Additional Sessions Judge, on 5.8.2015. In this view of the matter, it can be safely concluded that petitioner has been taking the justice delivery system for a ride and such kind of person, who has no respect for law, does not deserve any sympathy from the court.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner will be a compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

17.8.2015
Ak Sharma