

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

**Criminal Misc. No. M- 29823 of 2015
Date of Decision: 22.9.2015**

Jagseer Singh @ Jaggi

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. S.S.Brar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of this second petition under Section 438 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks pre-arrest bail in FIR No. 125 dated 18.5.2015 under Sections 15/16/61/85 of NDPS Act, registered at Police Station Kalanwali, District Sirsa,

Heard learned counsel for the petitioner.

It is a matter of record that earlier petition under Section 438 Cr.P.C. filed by the petitioner bearing CRM-M-20779 of 2015 was dismissed by this Court on merits, vide order dated 1.7.2015. Instead of referring to any changed circumstances, so as to maintain the second petition under Section 438 Cr.P.C, learned counsel for the petitioner places reliance on the judgments of the Hon'ble Supreme Court in **Ravindra Saxena Vs. State of Rajasthan, 2010 (1) SCC 684, Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012 (2) SCC 382** and an order dated 30.7.2014 passed by this Court in **CRM-M-19069 of 2014 (Surender Singh Vs. State of Haryana)**, to contend that present petition is very much maintainable

and the petitioner is entitled for the concession of pre-arrest bail. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail.

It is so said because neither any of the judgments cited by learned counsel for the petitioner is of any help to the petitioner, being distinguishable on facts, nor any changed circumstances have been pointed out by learned counsel for the petitioner, to maintain the second petition under section 438 Cr.P.C. before this court, particularly when earlier petition was dismissed on merits.

Further, keeping in view the fact situation obtaining in the present case, custodial interrogation of the petitioner will be a compulsive necessity of the investigating agency, so as to carry out an effective investigation, because the petitioner is already facing another criminal trial arising out of an FIR registered under the NDPS Act itself. In this view of the matter, no case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

22.9.2015
AK Sharma