

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

**Criminal Misc. No. M-6937 of 2015
Date of Decision: 17.3.2015**

Harjit Singh

--Petitioners.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Promila Nain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 44 dated 3.4.2013 under Sections 411/414/489-A/489-B/489-C IPC, Sections 15/18/21/22 of the NDPS Act, Section 25 of the Arms Act and Sections 3/34/20 of the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 registered at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner submits that an identically placed accused has been granted concession of anticipatory bail by this Court in CRM-M-26441 of 2014 (Suba Singh Vs. State of Punjab). She further places reliance on orders dated 20.9.2013 (Annexure P-3) and 21.10.2013 (Annexure P-4) passed by this Court. She concluded by submitting that since the co-accused of the petitioner have been granted the concession of anticipatory bail,

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authenticity of this document

petitioner also deserves similar treatment. She 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 arguments advanced, this Court is of the considered opinion that since the petitioner is involved in as many as four other FIRs under NDPS Act, he is not entitled for the concession of anticipatory bail.

Further, in the matters of granting anticipatory bail, petitioner cannot claim any parity, as sought in the present case. It is so said, because it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

Under the totality of facts and circumstances of case noted above, coupled with the reasons aforementioned, no case for anticipatory bail is made out.

Resultantly, instant petition stands dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

17.3.2015
AK Sharma