

CRM-M No.44702 of 2016

::1::

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

**102**

**C.R.M-M No.44702 of 2016  
Date of Decision : 19.12.2016**

Surinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

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

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.53 dated 04.06.2016 registered under Sections 22, 61, 85 of the N.D.P.S. Act, P.S. Khanauri.

The petitioner was facing trial in the aforesaid FIR and the alleged recovery was 25 Vials of Corex. The samples were sent for

analysis and at that stage the trial Court granted him interim bail. Thereafter the FSL report was received and the case was fixed for framing of charge. The petitioner did not attend the Court and moved one application for exemption and another application under Section 438 Cr.P.C. for interim bail which was declined. As mentioned above, the present petition has been filed for grant of an anticipatory bail.

In my opinion, the petition has to be held to be not maintainable because when the petitioner filed the petition he was already on interim bail. It was incumbent upon him to have appeared before the Court and sought extension/confirmation of interim bail but he could not move a fresh application for grant of anticipatory bail.

In the circumstances, the petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**December 19, 2016**  
*ashish*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No