

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

**CRM-M-38146-2017
Date of decision :25.10.2017**

Malkiat Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

H.S. MADAAN, J. (Oral)

The petitioner was arrested in case registered vide FIR No.92 dated 10.06.2015 under Section 21 / 22 of the NDPS Act at Police Station Gharinda, District Amritsar and he was sent to face trial. He was granted interim bail by Judge Special Court, Amritsar since report from FSL Punjab was not received. The report has since been received showing the contraband to be commercial quantity. The petitioner was required to surrender in the trial Court of since after filing of report from FSL the interim bail granted to him has come to an end. Instead of doing so, he is running away form the process of the Court and has approached this Court for grant of pre-arrest bail. This is gross misuse of process of law.

Keeping in view the facts and circumstances of the case and ratio of authority ***Lavesh vs. State (NCT of Delhi) 2012(4) RCR (Criminal) 240*** by the Apex Court wherein it was observed that when a person against whom a warrant had been issued was absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in term of Section 82 of the Code he is not entitled the relief of anticipatory bail.

In view of the above, this petition cannot proceed further and is dismissed accordingly.

The petitioner is directed to surrender in the Court immediately.

25.10.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**