

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

CRL. MISC. No.M-43084 OF 2016
DATE OF DECISION : 11TH MAY, 2017

Cahnd Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.43 dated 17.08.2013 registered under Section 15/18/61/85 of NDPS Act; Sections 420, 467, 468, 471, 120-B IPC and Section 25/54/59 of Arms Act at Police Station Fatehgarh Panjtoor, District Moga.

Heard learned counsel for the rival parties.

Learned counsel for the State submits that there are number of cases pending against the petitioner under the NDPS Act, therefore, the petitioner is not entitled to anticipatory bail looking to the earlier record against him.

Learned counsel for the petitioner submits that the petitioner was already granted anticipatory bail by the trial Court in those cases. But could not join the investigation despite four opportunities granted to him.

Learned State counsel further submits that the custody of the petitioner is not required, as such, but the opposition is only for grant of bail in view of the past criminal record of the petitioner. It appears that the petitioner is involved in several other cases, however fact remains that the petitioner was on interim bail and failed to join the investigation. In view of the fact that the custodial interrogation of the petitioner is not required as submitted by learned State counsel, I am inclined to grant the concession of anticipatory bail to the petitioner. Hence I make the following order:

ORDER

- (i) The petition is allowed and the interim order dated 02.12.2016 granting anticipatory bail to the petitioner is made absolute.
- (ii) The petitioner shall report to the police station concerned on every Monday, Wednesday and Sunday from 11.00am to 4.00pm. The Police shall keep surveillance on the petitioner.
- (iii) The petitioner shall give undertaking to the police that he will not indulge in such type of offence in future.
- (iv) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

11TH MAY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No.</i>