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

CRM-M-46151 of 2017

Date of decision: December 05, 2017

Parminder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. G.S. Kaura, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Hear learned counsel for the petitioner.

Petitioner seeks grant of regular bail in FIR No.101 dated 24.05.2017, under Sections 406, 420, 120-B of Indian Penal Code, 1860, registered at Police Station Babain, District Kurukshetra.

CRM-M-23416 of 2017 filed by the petitioner for grant of anticipatory bail was dismissed by this Court by reasoned order dated 20.09.2017. Petitioner approached the Apex Court and the Apex Court made the following order, on 07.11.2017:-

“Heard learned counsel for the petitioner.

The special leave petition is dismissed.

However, the petitioner shall not be arrested for a period of four weeks.

In the meantime, he is permitted to apply for regular bail.

Pending application, if any, stands disposed of.”

In view of the above Supreme Court's order, learned

counsel for the petitioner submits that the petitioner was in deemed custody of the trial Court and had applied for grant of regular bail. He, however, fairly states that in fact, the petitioner is not in custody. In my opinion, the plea that the petitioner is deemed to be in the custody and therefore, can apply for regular bail in terms of Supreme Court's order, is misconceived. By this method, the petitioner wants to over-reach the order rejecting his plea for anticipatory bail as well as order made by the Apex Court and that cannot be allowed. Petitioner is therefore, allowed to surrender to the custody before the trial Court. The submission that the petitioner has been in deemed custody is rejected being misconceived.

In that view of the matter, the present petition is dismissed reserving liberty in favour of the petitioner to surrender to the custody and thereafter, approach the trial Court for regular bail. The trial Court shall not consider the regular bail application unless the petitioner surrenders to the custody.

(A.B. CHAUDHARI)
JUDGE

December 05, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No