

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

Sr. No.131

CRM-M-17377-2018
Date of decision : 25.04.2018

Jaspal Singh @ Happy Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Sekhon, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

This is the second petition for grant of anticipatory bail in case FIR No.473 dated 22.12.2005, registered at Police Station Kotwali Sangrur, District Sangrur, under Sections 15 and 25 of the NDPS Act, 1985.

It is the submission of learned counsel for the petitioner that the petitioner was declared as proclaimed offender vide order dated 04.04.2011. That order is under challenge in this Court by way of a separate petition. The co-accused has been acquitted vide judgment dated 08.06.2011 and the petitioner is also likely to be acquitted because the same evidence is to be lead against him as well. Thus, he may be granted concession of anticipatory bail.

The facts of the case show that the first anticipatory bail application of the petitioner was rejected in the year 2006. It is not clear whether he was taken into custody thereafter, however, it is an admitted position that he was declared as proclaimed offender vide order dated 04.04.2011. That order is under challenge by way of a separate petition, but no interim relief has been granted by this Court.

The petitioner again seeks relief by way of a petition under Section 438 Cr.P.C. If this petition is allowed, it would amount to nullifying the process already initiated by the petitioner for setting aside of order dated 04.04.2011. Such a course would also be violative of judicial discipline.

The petition is misconceived and accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

25.04.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No