

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

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**CRM-M-3659-2019 (O&M)
Date of Decision : 30.01.2019**

Ajay Kumar @ Dheru

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Prateek Pandit, 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.2 dated 01.01.2015 registered under Sections 20/21/22 of the N.D.P.S. Act, 1985 at P.S. Sadar, District Kapurthala.

Counsel for the petitioner has relied upon the judgment of this Court passed in CRM-M No.3525 of 2019 titled as *Ajay Kumar @ Dheru vs. State of Punjab*, decided on 25.01.2019. It is his contention that there are two cases pending under the N.D.P.S. Act against the petitioner and both are being tried simultaneously and the order adverted to earlier was passed in the second case. It is further contention that he has not appeared only once inadvertently.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab accepts notice on behalf of the respondent. Copy of the paper book as well as a copy of the aforesaid judgment have been

supplied to the learned Sr. Deputy Advocate General.

Learned Sr. Deputy Advocate General has very fairly stated that he would have no objection if the same course of action is followed in the present case but with the additional caveat that in case the statement of the petitioner that he has never misused the concession of bail except once is not correct, the relief of anticipatory bail should not be granted.

I find this to be a fair submission. In the circumstances, this petition is disposed of in the same terms as CRM-M No.3525 of 2019 (supra) with the additional caveat that in case it transpires that at any earlier point of time the petitioner had misused the concession of bail, the present petition would be deemed to be dismissed.

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

January 30, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No