

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

**CRM-M-33371-2019
Date of decision-19.08.2019**

Arun Sharma @ Avi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Bhalla, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner-Arun Sharma @ Avi has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.0008 dated 09.01.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Civil Lines, District Amritsar (Police Commissionerate).

Admittedly, the petitioner was extended the interim regular bail as the FSL report was not filed along with the final report. This Court has already examined the issue regarding maintainability of the bail under Section 438 Cr.P.C in CRM-M-15464-2019 decided on 04.04.2019, holding that when the accused has submitted himself before the Court and filed an application under Section 439 Cr.P.C, application for pre-arrest bail is not maintainable.

Since the petitioner had submitted himself before the Court and availed the remedy under Section 439 Cr.P.C, therefore, present petition

under Section 438 Cr.P.C is not maintainable.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

19.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No