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

CRM-M-27603-2020

Date of Decision: 14.09.2020

Nishan Singh @ Sana

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.39 dated 04.07.2019 under Section 22 NDPS Act, 1985, registered at Police Station Sarai Amant Khan, District Tarn Taran.

During the course of hearing, it is not disputed that the previously similar petition filed by the petitioner was dismissed on merits vide order dated 22.01.2020 (Annexure P-4) on the ground of non-maintainability, as the petitioner stood released conditionally by the trial Court under Section 439 Cr.P.C.

Mr. Amit Arora, learned counsel has fairly conceded that the petitioner was released on interim regular bail by the trial Court on 20.09.2019, only on the ground that the FSL report was awaited, and after filing of the said report, it was incumbent upon him to surrender. It is apprised by the learned counsel that the FSL report was filed on 21.11.2019, but on account of absence of the petitioner, his bail bonds were cancelled on

10.12.2019.

Apart from the above, it is also clear that the petitioner has misused the concession of interim regular bail extended to him by the trial Court and this second attempt to seek anticipatory bail under Section 438 Cr.P.C. is nothing, but misuse of the process of law.

Resultantly, the petition is dismissed with costs of ₹15,000/- to be deposited by the petitioner with the District Legal Services Authority, Tarn Taran.

The Chief Judicial Magistrate, Tarn Taran shall ensure the recovery and deposit of the costs.

14.09.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No