

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38231-2019
Date of decision-11.02.2020

Sandeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navneet Jindal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Sandeep has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.272 dated 07.08.2018 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rania, District Sirsa.

It is the case of the petitioner that he was arrested on 23.08.2018 and was granted the concession of interim regular bail vide order dated 01.11.2018 for a period of two months through CRM-M-46955-2018. Thereafter, on 09.01.2019, the petition was disposed off with a direction that the petitioner be released on interim bail as the FSL report is awaited. It was further clarified that upon filing of the FSL report, the concession would come to an end and petitioner would be liable to surrender before the trial Court. It was on 19.08.2019, the trial Court issued non-bailable warrants for securing the presence of the petitioner who failed to appear before the trial

Court despite service of the Court notices.

Learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Pritam Singh has been extended the concession of regular bail by this Court vide order dated 30.01.2020 passed in CRM-M-50774-2019. He submits that case of the petitioner is at par with said co-accused-Pritam Singh as he was also found travelling in the same vehicle where-from the alleged contraband was recovered. According to him, the concession of the interim bail was never misused by him, therefore, he deserves the concession of pre-arrest bail.

On the contrary, learned State counsel assisted by SI Surjeet Kumar has opposed the prayer on the ground that the petitioner is one of those four accused persons, who after stopping the vehicle ran away from the spot. According to her, it reflects his knowledge about the contraband being lying in the vehicle. It is further pointed out that his co-accused, Manish who is owner of the vehicle is involved in other cases as well.

Learned State counsel has further filed an affidavit of Arun Singh, IPS, Senior Superintendent of Police, Sirsa, in compliance of the order dated 07.11.2019 to explain as to how the accused escaped from the place of occurrence and whether any action has been taken against the erring Police officer. It is mentioned in the affidavit that disciplinary inquiry has been initiated and the order dated 11.01.2020 is pending. The explanation offered appears to be reasonable and the same is accepted at this stage.

Now turning to the merits of this case, this Court finds that the petition filed by the petitioner under Section 438 Cr.P.C may not be

maintainable as he was previously granted the concession of regular bail under Section 439 Cr.P.C.

In view of the above, the petition for grant of pre-arrest bail is not maintainable in view of the decision dated 04.04.2019 delivered by this Court in CRM-M No.15464 of 2019 (Balwant Singh @ Banta Versus State of Punjab).

Resultantly, the petition is dismissed.

11.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

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