

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

CRM-M-16168-2021
Date of decision:-9.4.2021

Amarjit Singh @ Katta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rajat Malhotra, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Amarjit Singh @ Katta, aged about 38 years, resident of village Budhi Pind, P.S. Tanda, District Hoshiarpur, an accused in FIR No.0058 dated 25.3.2017, under Sections 15/18/21/22 – 61 - 85 of NDPS Act, registered with Police Station Tanda, District Hoshiarpur.

The petitioner had applied for grant of interim bail before the trial Court for the reason that report from Chemical Examiner had not been received. His such request was accepted by Judge, Special Court, Hoshiarpur and vide order dated 24.5.2017 he was ordered to be released on interim bail till receipt of report from FSL/Chemical Examiner with the observations that on receipt of such report, accused shall surrender before the Court within one week for further proceedings. Ultimately, the report was received in terms of which, the contraband recovered from the accused came within definition of commercial quantity. The petitioner instead of surrendering before the police or in the Court opted to stretch his stay outside by moving an application for grant of anticipatory bail before Judge, Special Court, Hoshiarpur. That application was totally unwarranted and misconceived and it was accordingly dismissed vide order dated 17.3.2021. Thereafter, the petitioner has come to this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner besides going through the record and I find that the petition is doomed for failure.

The instant petition is clear case of abuse of process of law. The petitioner having been released on interim bail till receipt of report from Chemical Examiner, such report having received, has failed to comply with the direction issued by Judge, Special Court, Hoshiarpur that he would surrender in the Court within one week of receipt of such report. His failure to do so, clearly goes to show the violation of direction issued by Judge, Special Court, Hoshiarpur. The petitioner is trying to propagate his freedom by misusing provisions of Section 438 Cr.P.C.. The petitioner

is an absconder and he does not deserve protection of Section 438 Cr.P.C.

Therefore, the petition being without merit stands dismissed accordingly.

9.4.2021

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(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No