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

CRM-M-17558-2021

Date of Decision: 27.04.2021

Gurcharan Singh @ Jackey

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manvinder Singh Sidhu, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. seeking issuance of directions to trial Court/arresting officer to release the petitioner on bail in the event of arrest in case FIR No.115 dated 26.10.2019, under Section 22 NDPS Act, registered at Police Station Mamdot, District Ferozepur.

During the course of hearing it is not disputed by learned counsel that the concession of conditional interim regular bail was extended to the petitioner by the trial Court vide order dated 30.11.2019 (Annexure P-1) on the sole ground that the FSL report regarding the contraband was awaited.

The argument of the learned counsel that since the FSL report has been filed, therefore, the petitioner is apprehending his arrest, is apparently misconceived, as the petitioner consciously accepted the limited concession of interim regular bail, who is well aware of its condition and operative period, therefore, it is imperative for the petitioner to surrender

before the trial Court in compliance of the said order. The petitioner after

availing the concession under Section 439 Cr.P.C. cannot seek anticipatory bail under Section 438 Cr.P.C. In this regard, reference can be made to the decision dated 04.04.2019 delivered by this Court in “CRM-M-15464-2019 titled as Balwant Singh @ Banta Vs. State of Punjab.”

Resultantly, the petition for grant of pre-arrest bail is not maintainable.

Dismissed.

27.04.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No