

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103)

CRM-M-18809 of 2021

Date of Decision: 28.06.2021

Vazir Singh @ Taara

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gaurav Antwal, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.74, dated 10.03.2019, having been registered at Police Station Rania, District Sirsa, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and was arraigned as an accused on a disclosure statement allegedly made by his father, who, as per the investigating agency, was apprehended with 400 tablets of Tredol-100 without a licence.

He further submits that therefore the petitioner deserves to be admitted to bail.

He of course very fairly submits that the petitioner had earlier filed CRM-M-28061 of 2019, seeking the same relief, in which initially an order was passed directing him to join investigation and upon him being

sought to be arrested, he was admitted to bail to the satisfaction of the arresting officer/Illaqa Magistrate.

It is seen that the said order was passed on 05.07.2019, with notice of motion issued (at that stage), returnable on 19.07.2019, after which the petition was eventually dismissed on September 20, 2019, with the following order having been passed:-

“The petitioner not having joined investigation right since July 05, 2019, despite the fact that vide the order passed by this court on that date, it had also been provided that if the investigating officer does not join him in such investigation, he would approach the learned Illaqa Magistrate concerned, who would then summon the investigating officer and ensure that the petitioner joined the investigation, I see no reason to further continue with this petition, with learned State counsel stating on instructions from ASI Gurmail Singh that the petitioner has still not joined investigation.

Dismissed.”

He submits that the petitioner was not aware that he could have approached the Illaqa Magistrate upon the investigating officer not having allowed him to join in the investigation (for extraneous consideration, as alleged).

Upon query to him as to whether even the counsel did not know how to read the order, he simply submits that he was not the counsel at that stage.

Notice of motion, with Mr. Munish Sharma, learned AAG, Haryana, accepting notice on behalf of the respondent State, on the asking of

the court.

Upon query, he, on instructions from Sub-Inspector Rajesh Kumar, submits that in fact the petitioner has been declared to be a proclaimed offender, with an FIR also having been registered under the provisions of Section 174A of the IPC.

That being so, there would be no ground to entertain this petition to admit the petitioner to anticipatory bail, with this petition dismissed.

Naturally, upon the petitioner surrendering before the trial court if he moves a petition under the provisions of Section 439 of the Cr.P.C., that petition would be decided on its own merits.

28.06.2021

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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No