

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-57795-2022 (O&M)
Date of Decision:-21.12.2022

Malkit Singh @ Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amardeep Singh Gill, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.48, dated 28.4.2021, Police Station Sadar Phagwara, District Kapurthala, under Section 22 of Narcotic Drugs and Psychotropic Substances Act and Section 188 of Indian Penal Code, wherein offence under Section 31 NDPS Act was added lateron, as the petitioner apprehends his arrest consequent upon his bail having been declined by the Trial Court on 29.10.2022 since he had misused the concession of interim bail.

The aforestated position, wherein the petitioner has misused the concession of interim bail, does not warrant grant of anticipatory bail in view of judgment passed by this Court in CRM-M-39172 of 2021 titled Pawan Kumar Vs. State of Haryana and another decided on 21.9.2021.

It is, however, directed that in case the petitioner surrenders before the Trial Court within 10 days from today and moves an application for grant of regular bail, the Trial Court shall consider the same expeditiously in view of observations made in concluding paragraph of judgment passed by this Court in Pawan Kumar's case (supra), which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

The petition stands disposed off accordingly.

21.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No