

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20890 of 2015 (O&M)
Date of Decision: 10.07.2015

Mohinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajesh Kapila, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

CRM No.21013 of 2015

Application is allowed as prayed for.

The zimni orders at Annexure P-5 are taken on record.

Main Case

The instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No. 180 dated 24.10.2014 under Sections 22, 61, 85 of N.D.P.S. Act, registered at Police Station, Sadar Jagraon, District Ludhiana.

The case made out on behalf of the petitioner is that he had absented from trial proceedings only on one date and on account of which the concession of interim bail already granted to him, has been cancelled.

Perusal of the order dated 29.1.2015, passed by the learned Judge, Special Court, Ludhiana would reveal that the alleged recovery from the petitioner was of 300 gms intoxicating powder and the concession of interim bail had been granted to await the report of F.S.L.

It stands conceded by counsel for the petitioner that in terms of the Chemical Examiner's report that has since been received the powder recovered from the petitioner has been reported to contain

Diacetylmorphine. As such, the recovery would be construed to be commercial in nature.

Accordingly, there would be no scope for granting concession of pre-arrest bail to the petitioner, who otherwise has also misused the concession on a particular date.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.07.2015
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