

CRM-M-13418-2016 (O&M)

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

**CRM-M-13418-2016 (O&M).
Decided on: April 23, 2016.**

Kabal Singh alias Kabbi

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Ashish Aggarwal, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of pre-arrest bail claiming that he was on interim bail when he absented on 22.3.2016.

I have heard the counsel for the petitioner and gone through the facts and circumstances of the case.

A perusal of the certified copy of order dated 17.5.2014, indicates that the petitioner had been granted interim bail subject to one of the conditions that he shall surrender before the Court if the quantity of psychotropic substance is found to be commercial quantity on receipt of report of chemical examiner. Challan in the present case was presented on 6.6.2015. Report of chemical examiner had already been received. 260 gms of intoxicating powder recovered from the petitioner has been found to contain diphenoxylate hydrochloride. It is apparent that the recovery

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of intoxicating powder is commercial quantity. The petitioner was required to surrender before the Court as per order dated 17.5.2014 and the bail was to be automatically cancelled on receipt of said report. The petitioner cannot be granted the concession of pre-arrest bail after receipt of report of chemical examiner.

Counsel for the petitioner has contended that on receipt of report of chemical examiner, bail of the petitioner was never cancelled by the Court, as such, he would be entitled to be placed in a position as it existed on 22.3.2016, when the petitioner absented.

I have considered the facts and circumstances of the case. The interim bail granted to the petitioner on 17.5.2014, ceased to exist on the day when the report of Forensic Science Laboratory was received as per condition No.4 mentioned in the order. In case the bail bond had not been cancelled till 22.3.2016 by the Court despite report of chemical examiner having been received, the petitioner is entitled to be placed in a position as it existed on 22.3.2016 leaving it to the trial Court to consider the right of the petitioner either to remain on bail or to cancel the interim bail.

This petition is disposed of with a direction that the petitioner will appear before the trial Court on 25.4.2016. The status of the petitioner on appearance before the trial Court will be same as it existed on 22.3.2016. The trial Court shall take into consideration the facts and circumstances of the case and will make up its mind in

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the light of order dated 17.5.2014 whether the bail granted to the petitioner is liable to be cancelled or he could be granted the concession of regular bail in case an application for the grant of bail is filed on said date. The right of the petitioner to seek concession of regular bail in accordance with law will not be prejudiced.

April 23, 2016.
rkap

(M.M.S. BEDI)
JUDGE