

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-31959 of 2016

Date of Decision: September 9, 2016

Balwinder Singh @ Chiri

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.Sandeep Arora, Advocate
for the petitioner.

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

Petitioner had been granted concession of interim bail to await the report of FSL in a case of recovery of intoxicating powder. On receipt of report of Chemical Examiner indicating that 80 grams substance recovered from the petitioner contained diphenoxylate Hydrochloride which is commercial quantity. The petitioner instead of surrendering before the Court has sought the concession of pre-arrest bail.

Since the petitioner had been granted only conditional bail till the receipt of the report of Chemical Examiner, he cannot seek the benefit of extension of said relief, however, he can avail the remedy under Section 439 Cr.P.C. by surrendering.

Counsel for the petitioner has submitted that the petitioner has not misused the interim liberty granted to him.

I have considered the said contention and I am of the opinion that the said circumstance may weight with the Court of competent jurisdiction while considering his application under Section 439 Cr.P.C.

Dismissed without prejudice to the rights of the petitioner to seek concession of regular bail by surrendering before the Court.

September 9, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.