

202.

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

CRM-M-29136-2017

Date of decision:11.10.2017.

JASWINDER SINGH @ JASSA

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral

Petitioner-Jaswinder Singh @ Jassa has filed the present petition under Section 438 read with Section 482 Cr.P.C. for grant of pre-arrest bail in case FIR No.54 dated 17.03.2015 under Section 22 of NDPS Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner states that vide order dated 03.06.2015 passed by learned Judge, Special Court, Tarn Taran, the petitioner was granted interim bail on furnishing personal bonds to the tune of ₹ 1 lakh with one surety in the like amount with the condition that he will surrender before the court positively if the contents of salt of intoxicant powder falls under the category of prohibited contraband under the NDPS Act. The allegation against the

petitioner is of recovery of 100 grams of intoxicant powder. Thus, vide order dated 03.06.2015, petitioner was granted interim bail because by that time, FSL report was not received by the trial Court. Thereafter on 17.07.2017, he could not appear as he had noted some wrong date. Accordingly, vide order dated 10.08.2017, this Court had directed that in case the petitioner surrenders before the trial Court within a week, the trial Court shall admit him on bail subject to his furnishing bail bonds/surety bonds.

Learned State counsel has submitted that in the present case, FSL report has already been received from the Chemical Examiner and as per report, the ingredients of Diphenoxylate Hydrochloride were found present in the contraband recovered from the possession of the petitioner. He has produced a photocopy of the report dated 28.03.2016, which is taken on record.

I have heard learned counsel for the parties.

The present petition was filed on 08.08.2017 and it was pleaded that the petitioner could not appear before the trial Court on 17.07.2017 as he had noted some wrong date. But interestingly, on the date on which the petitioner filed the present petition, the Chemical Examiner report had already been received in the case on 28.03.2016. In this manner, the petitioner has not disclosed this vital information. Therefore, this Court finds that the petitioner is not entitled for any relief as claimed in this petition.

In view of above, present petition is dismissed and the petitioner shall be taken in custody forthwith and the order dated 10.08.2017 passed by this Court, allowing him to surrender before the trial Court, and further the trial Court to admit him on bail shall loose its effect.

(HARI PAL VERMA)
JUDGE

11.10.2017
sanjeev

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