

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.101

CRM-M-19483-2018 (O&M)

Date of decision : 08.05.2018

Kuldeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Zubin Chhura, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

This is a second petition filed under Section 438 Cr.P.C. in case FIR No.291 dated 06.09.2017, registered at Police Station Nakodar Sadar, District Jalandhar, under Sections 21 and 22 of NDPS Act, 1985.

After registration of the FIR, the petitioner was arrested and was granted interim bail awaiting the result of the chemical examiner. Notice was issued to him after receipt of the report of the chemical examiner, but he did not surrender. Instead, he sought anticipatory bail. The learned Judge, special Court, Jalandhar, has rejected the petition under Section 438 Cr.P.C. on the ground that commercial quantity of intoxicant powder was recovered from him.

Learned counsel for the petitioner submits that no recovery has been effected from the petitioner and he has only been named by the main accused as the person from whom the main accused has purchased the contraband.

I am not inclined to consider the said argument as after the receipt of the report of the chemical examiner, the petitioner was duty bound to surrender before the learned trial Court on receipt of notice. Having not done so, he is not entitled to the discretionary relief of anticipatory bail.

Accordingly, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

08.05.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No