

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

209

**CRM-M-29535-2019
Date of decision: 19.11.2019**

Kashmir Singh @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sahil Khunger, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present second petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.79 dated 11.04.2017 registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") at Police Station Dakha, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner, accused of having committed offence punishable under Section 22 of the NDPS Act for having non-commercial quantity of 120 grams of Diazepam in his conscious possession, was granted interim regular bail by learned Additional Sessions Judge(D), Ludhiana vide order dated 16.06.2017 till receipt of FSL report. Due to non-appearance of the petitioner, his interim regular bail was cancelled vide order dated 03.01.2019. Absence of the petitioner was due to noting down of wrong date of hearing. The petitioner is ready to abide by the conditions of anticipatory bail.

On the other hand, learned State counsel has submitted that the petitioner having committed the serious offence misused the concession of bail and does not deserve the concession of anticipatory bail. The petitioner is involved in six other cases under the NDPS Act and was convicted in two cases and acquitted in one case whereas three cases against him are pending trial.

In view of the facts and circumstances of the case, particularly the antecedents of being a previous convict, the petitioner having misused the concession of bail by absenting from the Court and being involved in other cases under the NDPS Act and also the fact that in case of conviction the petitioner will be liable to enhanced sentence but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner does not deserve the concession of anticipatory bail. Therefore, the petition is dismissed.

19.11.2019

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No