

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

109

CRM-M-9244-2020

Date of Decision: 02.03.2020.

Manjit Singh @ Tinku

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Suvir Sehgal, J. (Oral)

Present petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.45 dated 05.03.2019, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gate Hakima, Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that the petitioner was granted interim bail by the trial Court vide order dated 19.04.2019, relevant extract of which is as under:-

“In the present case the accused/applicant is in custody since the date of his arrest on 05.03.2019. Alleged recovery of 1000 intoxicating tablets and 66 grams of Heroin has already been effected. The recovery of 66 grams of heroin falls under the ambit of non commercial in quantity. As per police record, the report of Chemical Examiner has not been received. So at this stage, it is not ascertainable whether quantity of

Psychotropic Substance i.e. intoxicating tablets recovered from the accused is commercial or non commercial quantity. The applicant cannot be kept in custody for indefinite period. So I am of the opinion that in this case conditional order of release of the applicant on bail should be passed, granting him the interim bail with the condition that on the receipt of report of Chemical Examiner if the quantity of psychotropic substance comes out to be commercial quantity, then he should surrender before the trial court and his bail be deemed to be cancelled. As such in view of above discussion, accused/applicant is ordered to be released on interim bail on furnishing personal bail bond in the sum of Rs.70,000/- with one surety in the like amount subject to the condition that if on receipt of report of Chemical Examiner Psychotropic substance recovered from the applicant comes within the ambit of commercial quantity, then his this bail will come to an end and applicant will surrender before the Court and he will be sent to judicial lock up. Further the bail is granted subject to following conditions:-

- 1. That accused/ applicant shall appear in the Court on each and every date of hearing;*
- 2. Accused/ applicant will not tamper with the prosecution evidence;*
- 3. Accused/ applicant with not leave the country without prior permission of the court.*

Police file be returned. Papers of present bail application be attached wit the pending record of this Court, concerning the present case.”

On 17.01.2020, challan was presented. As the contraband fell within the purview of commercial quantity, the interim bail granted to the petitioner was cancelled and he was summoned through nonailable warrant for 17.02.2020.

On 17.02.2020, non bailable warrant of the petitioner was not executed and he was again summoned through non bailable warrant for 27.03.2020.

The interim bail granted to the petitioner was subject to the condition that on the receipt of report of Chemical Examiner, if the quantity of psychotropic substance comes out to be commercial quantity, then he should surrender before the trial Court and his bail be deemed to be cancelled. The petitioner has failed to surrender before the Court, therefore, no relief is granted to the petitioner.

Dismissed.

(SUVIR SEHGAL)
JUDGE

02.03.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No