

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CRM-M-31962-2021

Date of decision: 29.11.2021

Davinder Kumar @ Rana

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present is the second petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.286 dated 13.12.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Meharban, District Ludhiana. The first petition being CRM-M-50690-2019 – Davinder Kumar @ Rana vs. State of Punjab, was dismissed by this Court on November 29, 2019 through the following order:-

“After arguing for some time, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to surrender before the trial Court and move application for regular bail, which on filing, will be decided expeditiously in accordance with law.

Dismissed as withdrawn with liberty as prayed for.”

Admittedly, after the afore-quoted order the only reason to again knock the doors of this Court for the relief which was denied earlier

was that due to an accident, the petitioner is unable to even walk.

On the basis of the above plea, the State was directed to get the petitioner medically examined in the PGIMER, Chandigarh and the same was done. The result of such examination has been produced by the State in Court today, which is ordered to be taken on record as Annexure 'X'. As per the report, the petitioner has been diagnosed to be a patient of mild Ataxia with 37% disability.

In view of the above certificate as also the statement made before this Court by ASI Prem Chand that the petitioner had accompanied him on his own two feet to PGIMER, Chandigarh for his examination, the petitioner does not deserve the concession of anticipatory bail especially when he is accused of having been found in illegal possession of 400 grams of Methamphetamine.

Dismissed.

On 16.08.2021, in addition to getting the petitioner medically examined, the Commissioner of Police, Ludhiana was also directed to explain as to why for the last over 03 years and 08 months, the petitioner had not been arrested.

In pursuance to the afore-order, an affidavit of Additional Deputy Commissioner of Police, Ludhiana was filed. Neither any affidavit was filed by the Commissioner of Police, Ludhiana nor any exemption was sought. Further, a perusal of the said affidavit reveals that no explanation therein has been given for the delay in the petitioner's arrest.

Let notice be issued to Mr. Gurpreet Singh Bhullar, Commissioner of Police, Ludhiana as to why he may not be proceeded against for having violated the directions given by this Court on

16.08.2021.

Ms. Gunkirat Kaur, AAG, Punjab, accepts notice and prays for
time to file reply.

Adjourned to 15.12.2021.

Be put up as per roster.

November 29, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No