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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 22796 of 2021 (O&M)

Date of decision: 27.07.2021

Balvir Kaur @ Biro

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.138 dated 10.07.2019 registered under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Sultanpur Lodhi, District Kapurthala.

As per the allegations in the FIR, registered at the instance of ASI Balbir Singh, while on patrol duty along with his co-police officials, they noticed a lady coming on foot and on seeing the police party, she threw a polythene bag and tried to move back. She was apprehended with the assistance of the co-police officials and on enquiry, she told her name as Balbir Kaur @ Beero. Thereafter, with the help of a lady police officials and by following a procedure, the search was conducted and 270 gms of narcotic substance was found and the petitioner was arrested. Later on, vide order dated 25.09.2019, awaiting the report of the Chemical Examiner, the petitioner was granted the concession of interim bail with a condition that the same is subject to receiving of Chemcial Examiner report.

Counsel for the State has submitted that on 18.01.2020, the FSL report was received and the salt was found to be containing Alprazolam. It is further submitted that the petitioner never surrendered

CASE HEARD THROUGH VIDEO CONFERENCING

before the trial Court and absented from the Court proceedings and has now filed the present anticipatory bail application, which is not maintainable as the petitioner has to surrender before the trial Court in terms of the interim bail granted to the petitioner and then apply for regular bail. It is also argued that the petitioner stands convicted in 02 earlier FIRs i.e. FIR No.136 of 2016 and FIR No.73 of 2015 both under the NDPS Act and therefore, she is not entitled to anticipatory bail.

After hearing the counsel for the parties and considering the facts and circumstances of the case, I find no ground to grant the concession of anticipatory bail to the petitioner.

Faced with the same, counsel for the petitioner submits that this petition may be disposed of with liberty to the petitioner to surrender before the trial Court and the trial Court be directed to decide the regular bail application of the petitioner expeditiously.

Disposed of accordingly.

In case the petitioner surrenders before the trial Court within a period of 01 week from today and apply for regular bail, the trial Court will dispose of the regular bail application of the petitioner within a period of 03 days thereafter.

**(ARVIND SINGH SANGWAN)
JUDGE**

27.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No