

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-23205-2021
Decided on : 16.06.2021

Happy Kumar Petitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S.Sidhu, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case bearing FIR No.81 dated 28.05.2021 under Sections 21, 22 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) registered at Police Station City 2 Mansa District Mansa.

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused on the basis of confessional statement by the co-accused from whom the alleged recovery of contraband was effected. He further submits that the evidentiary value of such statement is of weak nature. Learned counsel has very fairly apprised the Court that the petitioner is involved in five other cases under the NDPS Act.

Heard.

In view of the criminal antecedents of the petitioner, this Court is not inclined to extend the concession of anticipatory bail to the petitioner.

In the circumstances, learned counsel for the petitioner seeks to withdraw the instant petition. It has, however, been prayed that the petitioner shall appear and surrender before the Court below and move his

bail application under Section 439 Cr.P.C. Hence, direction be issued to the trial Court to decide his bail application in a time bound manner.

In view of the specific stand taken by the learned counsel for the petitioner, this petition stands dismissed as withdrawn. In case, the petitioner appears and surrenders within a week before the Court below and moves an application for bail under Section 439 Cr.PC, the Court concerned shall decide the same in accordance with law preferably within a week.

16.06.2021
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No