

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

104

CRM-M-26920-2021.

Date of Decision: 14.07.2021.

Kuldeep Singh @ Kalu

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Barjinder Singh, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. has been moved by petitioner for grant of pre-arrest bail in case FIR No.198 dated 14.07.2017 under Section 22 of NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner *inter alia* contends that previously petitioner was granted interim bail by the Trial Court on 18.08.2017 as by that time FSL report was not received from quarter concerned and as such nature of contraband was not determined till then. He further urges that after having received the FSL report from quarter concerned, application was moved for extension of bail but vide order dated 26.03.2018 (Annexure P/2), Trial Court had dismissed the said application.

He further submits that since investigation of instant matter is already

complete and final report under Section 173 Cr.P.C. (*Challan*) has already been presented in the Court and though in terms of FSL report, nature of contraband has been determined as Alprazolam and the quantity thereof is 110 grams, contraband being marginally more than 'commercial quantity', petitioner is entitled to be released on pre-arrest bail.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to him.

Learned State counsel opposing the cause of petitioner has vehemently argued that though vide order dated 18.08.2017, petitioner was extended concession of interim bail for want of FSL report and once FSL report was received from quarter concerned and nature of contraband has been determined to be Alprazolam and quantity thereof is 110 grams (commercial quantity) and, thus, Trial Court had rightly cancelled the interim bail and dismissed the bail application of petitioner, vide order dated 26.03.2018 (Annexure P/2). He further submits that petitioner is also involved in another case FIR No.117 dated 15.07.2015 under Sections 21 and 22 of NDPS Act registered at Police Station Sultanpur Lodhi, District Kapurthala. He further submits that earlier petition (CRM-M-17836-2018) moved by the petitioner for grant of pre-arrest bail was dismissed as withdrawn, by this Court, vide order dated 08.01.2020 and there is no change in scenario so that petitioner can be extended the concession of pre-arrest bail. He further submits that since petitioner is absconding from the proceedings of the Court, he is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the records of the case.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, a bare perusal of the record of the case reveals that vide order dated 18.08.2017, petitioner was admitted to interim bail by the Trial Court for want of FSL report. Lateron, FSL report was received which shows that contraband was Alprazolam and further as pointed out by learned State counsel quantity thereof was 110 grams (commercial quantity). After having received the FSL report, application for extension of bail was moved, which was declined by the Trial Court, vide order dated 26.03.2018 (Annexure P/2). It appears that petitioner is absconding from the proceedings of the Court for the last more than quarter past three years and as such in a given scenario petitioner does not deserve the concession of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

14.07.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No