

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

CRM-M-30052-2021 (O&M)

Date of decision: 30.07.2021

Daljit Singh @ Jony

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Barjinder Singh, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Daljit Singh @ Jony, an accused in FIR No.133 dated 04.07.2019, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Sultanpur Lodhi, District Kapurthala, was arrested in the said case on 04.07.2019 on the allegations that he was found in possession of 170 gms of intoxicant substance. Since report from office of the Chemical Examiner was not received for sometime, on an application having been filed by the petitioner before Judge, Special Court, Kapurthala, he was granted interim bail in view of the judgment of this Court **Inderjit Singh @ Laddi and others** Vs. **State of Punjab** 2014(3) RCR (Criminal) 953, vide order dated 11.09.2019. Subsequently, such report was received observing that the contraband recovered came

within the definition of commercial quantity and accused had failed to put in appearance before the Court, his personal and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest for 18.05.2021, vide order dated 24.02.2021.

The petitioner/accused instead of surrendering before Judge, Special Court, Kapurthala has approached this Court for grant of pre-arrest bail. I find that it is a classic case of misuse of the provision under Section 438 Cr.P.C. The petitioner himself gave an undertaking to appear before Judge, Special Court, Kapurthala on receipt of report from the office of Chemical Examiner but failed to honour that undertaking. Resultantly, warrants of arrest have been issued against him. A criminal cannot be allowed to misuse the process of law in such a manner. The petition deserves to be dismissed with exemplary costs. However, in view of the undertaking given by learned counsel for the petitioner that petitioner would surrender before Judge, Special Court, Kapurthala within 2-3 days and considering the other facts, I refrain from doing so.

Finding no merit in the instant petition, the same stands dismissed.

30.07.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No