

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

101

**CRM-M-48388-2021
Date of decision: 23.11.2021**

Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Ms. Neesh Garg, advocate, for the petitioner.
Mr. Nikhil Chopra, AAG, Punjab**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is second attempt of the petitioner to get the pre-arrest bail in a criminal case arising from FIR No.90, dated 18.07.2019, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City 2, Mansa, Punjab.

The petitioner was granted concession on 12.05.2021, while disposing off a previous petition filed by the petitioner i.e. CRM-M-18522 of 2021, which reads as under:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 90 dated 18.07.2019 registered under Section 21 of the NDPS Act at Police Station City 2, Mansa, District Mansa.

As per the case of the prosecution, the petitioner was apprehended with 5 grams of Heroin (contraband). He was granted the concession of bail on 17.08.2019, however, he jumped bail on 15.04.2020. Thereafter, inspite of repeated attempts of the trial court to serve, the petitioner did not appear. Under the circumstances, the trial court got issued the proclamation for 30.04.2021 to declare the petitioner, a proclaimed offender.

Learned counsel representing the petitioner contends that due to complete lockdown, the petitioner could not appear in the court on 15.04.2020.

Be that as it may. It is apparent from the reading of the orders passed that the petitioner has been avoiding to appear even after the courts reopened.

Keeping in view the aforesaid facts, this Bench is not inclined to grant the concession of pre-arrest bail to the petitioner. However, if the petitioner surrenders before the trial court within one week from today and applies for bail, the same be decided within three days thereafter.

With these observations, the present petition is disposed of.”

The petitioner has not surrendered before the trial Court despite the indulgence shown.

In view thereof, no ground to entertain the second petition is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 23, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No