

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

**CRM-M-2082-2022 (O&M)
Date of decision : 24.02.2022**

Jagdeep Singh	Versus	... Petitioner(s)
State of Punjab		... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.G. Khan, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.63 dated 27.03.2017 under Sections 22-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short the 'NDPS Act') registered at Police Station City Kharar, District SAS Nagar (Mohali) Punjab.

The petitioner in the present case was found in possession of 700 tablets marka Allied containing salt of Diphenoxylate Hydrochloride on 27.03.2017 and subsequently he was released on interim bail on 30.05.2017 since the report of the chemical examiner had not been received. Interim bail granted to the petitioner was with a rider that the petitioner had been released on interim till the receipt of report of chemical examiner. The challan in the present case was filed on 07.06.2018 and charges were framed on 07.07.2018. The petitioner did not appear or surrender before the Court and it is only on 24.08.2021 that the petitioner is stated to have surrendered.

Learned counsel for the petitioner would contend that the petitioner could not surrender earlier due to the Covid-19 Pandemic as well as the fact that his mother is suffering from brain tumor.

Learned counsel for the State on instructions from ASI Chamkaur Singh has contended that interim bail granted to the petitioner was conditional and the petitioner failed to surrender before the Court at the time of filing of challan on 07.06.2018. Thereafter, the petitioner also failed to surrender and it is only on 24.08.2021 that the petitioner has surrendered. Learned counsel for the State has pointed out that challan in the present case was presented in the year 2018 and there was no question of Covid-19 Pandemic at that point of time. It has further been pointed out that the mother of the petitioner is suffering from brain tumor since the year 1993 and the documents appended with the petition clearly reveal that the mother of the petitioner had taken a tele-consult only on 14.07.2020 for forgetfulness.

Heard.

In the present case, the petitioner was granted concession of interim bail which was clearly misused by him inasmuch as he did not surrender before the Court at the time of filing of the challan on 07.06.2018. It is only on 24.08.2021 that the petitioner surrendered and now the trial is progressing. The explanation given by learned counsel for the petitioner at the time of arguments is not acceptable inasmuch as in the year 2018 the question of Covid-19 Pandemic was not even there. Further, the petitioner's mother was operated upon for brain tumor in the year 1993 and there is no

other document or plausible explanation forthcoming for the absence of the petitioner and for his not surrendering on the stipulated time.

In view of the above, I do not find it to be a fit case for grant of regular bail to the present petition. Accordingly, the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

**(ALKA SARIN)
JUDGE**

24.02.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO