

CRM-M-4944-2022 (O&M)

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

CRM-M-4944-2022 (O&M).
Decided on: February 7, 2022.

Dharampal alias Dhamma

.. Petitioner

VERSUS

The State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT Mr.Parminder Singh Rai, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.158 dated 25.7.2017, under Sections 18/25/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Machhiwara, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was earlier granted interim bail by the learned trial Court but

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thereafter, he could not appear on 15.11.2021 because of some domestic difficulty as he went to his relative and his bail bonds were cancelled by the learned trial Court and non-bailable warrants were issued vide order dated 15.11.2021. He submitted that the petitioner may be protected so that he may surrender before the learned trial Court.

I have heard the learned counsel for the petitioner.

The present FIR pertains to the year 2017 registered under Sections 18/25/61/85 of the Narcotic Drugs and Psychotropic Substances Act and the alleged recovery in the present case was 50 grams of opium. On a specific query being put as to whether there was any justifiable reason for absence of the petitioner, learned counsel for the petitioner has submitted that the petitioner had to visit the house of his relative because of some domestic dispute. This Court is of the considered opinion that such kind of explanation is not justifiable. The involvement of the petitioner is in a case under the NDPS Act and such kind of explanation cannot be accepted by the Court. When the petitioner did not present himself on 15.11.2021, it was his duty to have immediately surrendered before the learned trial Court thereafter but instead of doing the same, the petitioner filed the petition for anticipatory bail. The petitioner has misused the concession of bail earlier granted to him and no reason is coming forward to justify his absence on 15.11.2021 and therefore, the conduct of the petitioner would dis-entitle him for grant of anticipatory bail. Consequently, the present petition being devoid of any merits, is hereby dismissed.

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However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 7, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No