

CRM-M-13927-2022

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

(103)

CRM-M-13927-2022
Date of Decision:-02.04.2022

Arshveer Mittal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Antwal, Advocate for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No.87 dated 26.05.2021 under Sections 21 and 22 of the NDPS Act, 1985, registered at Police Station Talwandi Sabo, District Bathinda.

It has been submitted by the learned counsel for the petitioner that in fact the petitioner was falsely implicated and it was only when there was fruit vendor outside the shop of the petitioner who was beaten up by a police official and that video had become viral and there was a doubt that the petitioner had made that video viral and, consequently, the police official had filed the case against the petitioner and thereafter even the police official has been suspended. He submitted that earlier the petitioner was granted interim bail by the learned trial Court on the ground that FSL

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report had not been received and thereafter, on receipt of the FSL report, the petitioner absented himself. There was no *mala fide* intention on the part of the petitioner to have absented himself. Thereafter, now non-bailable warrants have been issued for 04.04.2022. He submitted that it was only that the petitioner was scared of the police that he did not present himself.

On the other hand, Mr. Thind, learned DAG, Punjab has submitted that the petition for grant of anticipatory bail is not even maintainable in view of the fact that the petitioner was granted bail by the learned trial Court on 18.06.2021 and thereafter on 06.08.2021, the interim bail was cancelled after the receipt of the FSL report and he further submitted that the confiscated quantity in the present case was 13.56 grams of salt of Egizolam which falls in the commercial quantity and even otherwise also, the prayer of the petitioner is barred by the provisions of Section 37 of the NDPS Act. He further submitted that on 07.03.2022, non-bailable warrants of arrest have been issued by the learned Special Court, Bathinda and therefore, the prayer of the petitioner for grant of anticipatory bail in the light of the facts and circumstances is not sustainable.

I have heard learned counsel for the parties.

The quantity involved in the present case was 13.56 grams of Egizolam which falls within the commercial quantity under the NDPS Act. The petitioner was initially granted interim bail by the learned Sessions Court but the same was cancelled on 06.08.2021. It is almost 07 months that the petitioner has been absconding after the cancellation of the interim bail and the justification put forward by the learned counsel for the

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petitioner that the petitioner was scared of the police cannot be accepted. The petitioner ought to have immediately surrendered before the Court once the interim bail was cancelled. It is not a case that a few days have elapsed after the cancellation of bail but there is a long delay of more than 07 months for which there is no appropriate justification coming forth from the petitioner. Apart from the same, no ground is made out for making out a case for grant of anticipatory bail in view of the bar contained under Section 37 of the NDPS Act.

Consequently, finding no merit, the present petition is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

April 02, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No