

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15887 of 2023
Date of decision: 3rd August, 2023

Jatinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jagjot S. Lalli, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.65 dated 04.03.2023 under Section 18(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station B-Division, District Amritsar.

2. Learned State counsel, on instructions, has opposed the submissions and prayer made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. He submits that no doubt, the petitioner was nominated as an accused on the basis of a disclosure statement suffered by the co-accused, from whom recovery of 100 grams of Opium was effected, however, during the pendency of the instant petition, another FIR bearing No.88 dated 01.04.2023 had been registered at Police Station B-Division, Amritsar against the petitioner for having been found in conscious possession of 400 grams of Opium. On further instructions, learned State counsel

submits that the petitioner was thereafter arrested and he had since been enlarged on regular bail.

3. I have heard learned counsel for the parties and perused the relevant material on record.

4. It is evident that the petitioner, after being granted the concession of interim bail, has misused the same as he has been involved in another case under the NDPS Act. In the circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. The petition as such stands dismissed.

5. At this stage, a prayer has been made by the learned counsel for the petitioner that he is willing to surrender before the Court below within next two days, and thus, he be protected till then.

6. In view of the prayer made by the learned counsel, the petitioner is directed to appear and surrender before the trial Court on or before 07.08.2023 and move appropriate application for grant of bail. Till then, no coercive steps shall be taken against the petitioner. The trial Court, on such application being moved, shall decide it expeditiously in accordance with the provisions of law. However, it is made clear that in case the petitioner fails to surrender before the Court below within the above stipulated time period, this order shall be of no avail to him.

(MANJARI NEHRU KAUL)
JUDGE

August 3, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No