

CRM-M-3751-2024

2024:PHHC:009142

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-3751-2024

Date of Decision : January 24, 2024

ROOD SINGH @ ROOR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vivek Singla, Advocate for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.0063 dated 3.8.2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Rampura, District Bathinda.

2. Earlier in the FIR (supra), the petitioner was arrested on 3.8.2014 and 105 vials Rexcof and 20 strips of Carisol containing 50 tablets each i.e. total 1000 tablets were recovered from the conscious possession of the present petitioner. The final report was filed on 10.9.2014 without the report of the Chemical Examiner. In view of the non-filing of the final report, the petitioner was discharged by the learned trial Court concerned, vide order dated 28.11.2014, with a direction that on receipt of report of the Chemical Examiner, if any, incriminating substance is found to have been made out against the petitioner, the prosecution will be at liberty to present supplementary challan against the accused. On receipt of the report of the Chemical Examiner, the supplementary challan was presented against the accused-petitioner on 5.2.2020 and in the absence of the accused, the bailable warrants were issued against the accused, to cause his appearance before the learned trial Court concerned. Now finally, he was ordered to be summoned through proclamation by the learned trial Court concerned, vide order dated 18.12.2023. The petitioner instead of complying with the order of

the learned trial Court concerned, by surrendering before it to face the trial, has moved an application before the learned trial Court concerned, for the grant of pre-arrest bail, which was declined by the learned trial Court concerned, vide order dated 8.1.2024. Having aggrieved with the declined order (supra), the petitioner has approached this Court for the grant of pre-arrest bail through the instant petition.

3. This Court has considered the above facts and finds that the petitioner does not deserve the relief of pre-arrest bail, as the alleged recovered quantity falls within the ambit of commercial quantity, which was found in the conscious possession of the present petitioner. Further, the petitioner was earlier discharged only on account of non submission of the report of the Chemical Examiner and now the report has been submitted, which established that the alleged recovered substance is a banned contraband and falls within the ambit of commercial quantity as prescribed under the NDPS Act.

4. Therefore, in view of the above facts, the petitioner is required to surrender before the learned trial Court concerned.

5. In sequel, the instant petition is, hereby, dismissed being bereft of merit.

(KULDEEP TIWARI)
JUDGE

January 24, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No