

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-7662-2024
Date of Decision : February 14, 2024

BABLI KAUR -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of anticipatory bail, in case FIR No.188 dated 06.09.2023, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985), registered at P.S. Sadar Nabha, District Patiala.
2. As a matter of fact, the petitioner was earlier granted the concession of interim bail by the learned Judge, Special Court, Patiala, through drawing an order on 11.12.2023, upon Case No. BA/4273 of 2023. What led the learned Judge concerned to grant interim bail to the petitioner, was that, the report of F.S.L. was not received until then, therefore, without any definite conclusion *qua* contents of the sample so sent for analysis, the learned Judge concerned deemed it appropriate to grant interim bail to the petitioner. However, a condition was also imposed upon the petitioner, vis-a-vis, to appear before the learned Judge concerned, as and when the report of Chemical Examiner is received.

3. Now, the report of F.S.L. has been received, which reveals that the allegedly recovered substance is narcotics contraband, and accordingly, the bail application of the petitioner has also been dismissed by the learned Judge concerned, vide order dated 09.01.2024, and, the interim bail accorded to the petitioner has also been cancelled.

4. The dismissal order (supra) has caused pain to the petitioner, inasmuch as, instead of surrendering before the learned Judge concerned, he has accessed this Court through the instant petition seeking grant of anticipatory bail.

5. However, considering the fact that the allegedly recovered contraband falls within the category of “commercial quantity”, as also the fact that, the petitioner has straightway approached this Court, instead of surrendering before the learned Judge concerned, in compliance of the condition(s) imposed vide interim bail order dated 11.12.2023, this Court is not inclined to grant the asked for relief to the petitioner.

6. Consequently, the instant petition is **dismissed**, being devoid of merit.

February 14, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No