

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

125-1

CRM-M-10314-2024
Date of decision: 28.02.2024

MALKIT SINGH @ TUBHAR

....Petitioner

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner assails the order dated 19.12.2023 (Annexure P-3), as passed by the learned Judge, Special Court, Patiala, whereby, the latter has declined to grant the relief of regular bail to the petitioner, in FIR No.178 dated 25.09.2023, under Section 22 of the NDPS Act, registered at Police Station Samana, 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 14.11.2023, upon Case No. BA/3999 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 contraband falls within the ambit of "commercial quantity", and accordingly, the interim bail, as granted to the petitioner, has been dismissed by the learned Judge concerned, vide order dated 19.12.2023, and, he has been directed to surrender at the earliest.
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 quashing of the order dated 19.12.2023.
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 14.11.2023, and, order dated 19.12.2023, 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.

28.02.2024
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(KULDEEP TIWARI)
JUDGE

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