

CRM-M-44831-2023 (O&M)

-1-

104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44831-2023 (O&M)
Date of decision : 11.01.2024

Nidhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Vishnu Dutt, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.29 dated 13.02.2023, under Section 304 of the Indian Penal Code, 1860, (Sections 21, 21-B and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, were added lateron) registered at Police Station Phillaur, District Jalandhar.

2. On 10.01.2024, following order was passed by this Court:-

“There is no representation on behalf of the petitioner. On earlier occasion also none appeared on behalf of the petitioner. It transpires that petitioner was granted concession of interim protection by this Court on 21.09.2023. But despite that, as pointed out by learned State counsel, on instructions from ASI Surjit Singh, petitioner is not coming forward to join investigation. Learned State counsel has also disclosed that petitioner is facing five more other cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, and details of

which are as under:

- 1. FIR No.36 dated 25.02.2017, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Phillaur.*
- 2. FIR No.95 dated 10.05.2022, under Sections 21, 22, 29 & 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Phillaur.*
- 3. FIR No.111 dated 21.05.2022, under Section 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Phillaur.*
- 4. FIR No.22 dated 27.01.2023, under Sections 21-B & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 25 of the Arms Act, 1959, registered at Police Station Phillaur.*
- 5. FIR No.29 dated 13.02.2023, under Section 304 of the Indian Penal Code, 1860, (Sections 21, 21-B & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 were added later on) registered at Police Station Phillaur.*

Since, it is a pre-arrest bail matter, therefore, this Court does not deem it appropriate to dismissed the present petition for non-prosecution.

Posted for 11.01.2024.

*Be shown in the **Urgent** list. ”*

3. Learned counsel for the petitioner is not able to controvert the factual position recorded in the aforesaid order regarding the pendency of other criminal cases against the petitioner as well as non-joining of the investigation.

4. In view of the above, this Court is not inclined to grant pre-arrest bail to the petitioner.

5. Dismissed.

6. Needless to say that this order be not construed as an expression of opinion on the merits of case in any manner, however, interim relief granted on 21.09.2023, extended subsequently, shall come to an end, automatically.

CRM-M-44831-2023 (O&M)

-3-

7. Pending application(s), if any, shall also stand disposed off.

11.01.2024
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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