

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-8966-2015
Date of decision:6.5.2015**

Iqbal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.N.S.Sodhi, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.129 dated 17.7.2013 registered under Sections 15, 25, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short) and Sections 379, 411 and 489 of Indian Penal Code ('IPC' for short) at Police Station City Kotkapura, District Faridkot.

Notice to the Advocate General, Punjab.

On the asking of Court, Mr. K.D.Sachdeva, Addl. A.G., Punjab, accepts notice.

Learned counsel for the petitioner submits that allegations put forth in the FIR are highly improbable. It does not appeal to reason that petitioner would escape in the presence of 7-8 police officials. He also refers to the statement of Dharampal (Annexure P-3) to show that the petitioner was falsely implicated. So far as another case against the petitioner bearing FIR No. 130 dated 10.9.2013 registered

under Sections 15, 61 and 85 of the NDPS Act is concerned, learned counsel for the petitioner submits that petitioner has already been acquitted vide judgment of acquittal dated 1.10.2013. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Sukhwinder Singh, Police Station, City Kotkapura, District, Faridkot, submits that the case arising out of above-said FIR No.130 dated 10.9.2013 is still pending and trial is going on. He further submits that the present one is a second case against the petitioner under the NDPS Act itself. Since the petitioner is repeatedly indulging in the commission of offences under the NDPS Act, he is not entitled for bail pending trial. He also submits that one prosecution witness has already been examined and the next date for recording the prosecution evidence is 21.5.2015. He prays for dismissal of the petition.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar facts and circumstances of the case noticed hereinabove, petitioner is not entitled for bail pending trial.

At this stage, learned counsel for the petitioner submits that he does not intend to press this petition any further and the same may be dismissed as not pressed.

Ordered accordingly.

6.5.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE