

CRM-M-41510 of 2015

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 211

CRM No.M-41510 of 2015

Date of decision: August 24, 2016

Ram Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

JASPAL SINGH, J.

The instant petition has been preferred by petitioner-Ram Singh under Section 439 Cr.P.C. seeking bail in case FIR No.108, dated June 07, 2015, under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act' only) registered at Police Station City Sunam, District Sangrur.

2. One Kg. 100 gram of Charas was found in the possession of the petitioner and his mother (Lachoo Kaur) on June 07, 2015. They were

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arrested at the spot by the police party headed by SI SHO Jatinder Pal Singh.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the instant case and is in custody since June 07, 2015. Learned counsel further contends that petitioner shall abide by all the terms and conditions imposed upon him, in case, he is granted the concession of bail. No useful purpose would be served by detaining the petitioner in custody for an indefinite period.

4. Learned State counsel has opposed the petition for submitting that the quantity of contra-band recovered from the petitioner is commercial and as such, petition is hit by Section 37 of NDPS Act. Furthermore, nine other cases of similar nature have been registered against the accused. Thus, the petitioner is a habitual offender and does not deserve the concession of bail.

5. This court has given an anxious thought to the rival submissions made by learned counsel for both the parties and gone through the record available on file.

6. A perusal of the file reveals that on June 07, 2015, SI SHO Jatinder Pal Singh along with other police officials in connection with patrolling were going towards Village Ramgarh Jawandha. At about 1.30 P.M., when they reached near the bridge of canal minor, in the boundary limit of Shaheed Udham Singh Wala, Sunam, petitioner along with his mother was seen coming from the opposite side with a plastic bag in their hands. The Investigating Officer apprehended them with the help of other police officials. On search of plastic bag, 1 kg. 100 gram of Charas was

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recovered.

7. Undisputably, the contraband recovered from the accused falls under the commercial quantity and petition is hit by Section 37 of NDPS Act. As per Section 37 of NDPS Act, a person carrying commercial narcotic contraband cannot be released on bail, until the court is of the opinion that he is not guilty of such offence and is not likely to commit any offence while on bail. However, there are 9 more similar cases registered against the petitioner-accused. Meaning thereby, the accused is a habitual offender and no leniency is required in such like cases. In case, the petitioner is granted the concession of bail, it will give wrong signal to the society at large. Thus, this court is of the considered opinion that petitioner does not deserved the concession of bail.

8. Accordingly, instant petition is dismissed.

August 24, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No