

Sr. No. 222

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

**CRM No. M- 466 of 2016
Date of Decision: 01.03.2016**

Kulwinder Singh @ Kinder

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Mandeep Kaur, Advocate for
Mr. D.S.Sandhu, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.124 dated 19.08.2008, under Section 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Subhanpur, District Kapurthala.

Counsel for the parties have been heard.

As per prosecution version, the alleged recovery is of 630 kgs. poppy husk from a vehicle bearing registration No. HR-37-A-3612 (Tata 207 make). Driver of the truck Sukhchain Singh co-accused was apprehended on the spot. Insofar as the present petitioner is concerned, he was stated to be sitting on the back side of the vehicle and as per prosecution version he along with three other co-accused managed to flee from the spot.

Petitioner was, however, arrested on 13.05.2015.

Even though the petitioner was not stated to have been apprehended on the spot yet prayer made in the present petition has been opposed by the learned State counsel by submitting that petitioner is a habitual offender and is involved in a number of proceedings under the NDPS Act.

Towards such assertion, an affidavit dated 23.02.2016 of the Deputy Superintendent of Police, Sub Division, Bholath, District Kapurthala has been furnished in Court. The same is taken on record.

A perusal of the same would reveal that the petitioner already stands convicted in two cases under the NDPS Act i.e. FIR No.119 dated 30.07.1998 under Section 15/61/85 NDPS Act registered at Police Station Sultanpur, District Kapurthala and FIR No.27 dated 24.02.2003 under Section 15/61/85, registered at Police Station Zira, District Ferozepur. Apart from the present case, the petitioner is also stated to be involved in two other cases under the NDPS Act itself and the details of which are as follows:-

- i) FIR No.81 dated 14.04.2013 under Sections 392/382/384/379/212/216 IPC and Section 21/22/61/85 NDPS Act and Section 25/54/59 Arms Act, registered at Police Station Sultanpur Lodhi, District Kapurthala
- ii) FIR No.26 dated 01.05.2015, under Section 22/61/85 NDPS Act, registered at Police Station Kabirpur, District Kapurthala.

In view of the above, prayer made by the petitioner seeking benefit of regular bail is declined.

Petition dismissed.

01.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE