

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.37140 of 2017 (O&M)
Date of decision : October 04, 2017**

Sat Pal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.P.S. Ghuman, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This is the second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0053, dated 11.06.2017, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhadson, District Patiala.

The first petition i.e. CRM-M No.31744 of 2017 was dismissed by this Court vide order dated 01.09.2017, holding that it is a case of recovery of commercial quantity and under Section 37 of the NDPS Act, 1985, grant of bail is barred. Therefore, anticipatory bail also cannot be granted.

Learned counsel for the petitioner contends that there are two fresh grounds, one is that a co-ordinate Bench of this Court vide order dated 21.09.2017 passed in CRM-M No.24760 of 2017 granted anticipatory bail to the co-accused, namely, Beant Singh and Gurvinder Singh, secondly, a separate petition has been filed alleging that petitioner has been falsely implicated, in which notice of motion has been issued.

I am of the view that parity is not available in this case as in the order dated 21.09.2017 passed by a co-ordinate Bench of this Court in CRM-M No.24760 of 2017, the provisions of Section 37 of the NDPS Act, 1985 was not considered, discussed and decided. Therefore, the said order is not binding on this Court. Further, mere filing of the petition alleging false implication is no ground to over ride the effect of provision of Section 37 of the NDPS Act, 1985.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

October 04, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No