

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

CRM-M-9692 of 2016 (O&M)

Date of decision: 10.03.2017

Harbhagwant Singh @ Harji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Sandeep Wadhawan, Advocate and
Mr. Harshit Sethi, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.117 dated 17.08.2015, registered under Sections 21, 29 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Harike, District Tarn Taran.

The petitioner alleges false implication in the present FIR. It is submitted that initially an FIR No.170 dated 28.09.2012 was registered against the petitioner and his sister Sukhpreet Kaur under Section 21 of the NDPS Act and Sections 3, 4 and 5 of the Official Secrets Act, 1923 at PS Bhikhiwind. The petitioner and his sister were admitted to regular bail by this Court. The sister of the

petitioner after having been admitted on bail approached this Court seeking transfer of the investigation to CBI on account of false implication. After going through the facts of the matter, the matter was handed over to CBI for investigation. The present FIR has been lodged as a cross fire generated by filing of said petition by the sister of the petitioner. The FIR is nothing else but is an arm twisting tactics by the police to pressurize the petitioner not to pursue the matter before CBI. The petitioner is a known patient of HIV and he is in custody since 17.08.2015.

On the other hand, the learned State counsel opposes the bail application and submits that a huge quantity of heroin was recovered from the petitioner. The petitioner is involved in other FIRs as well.

I have heard learned counsel for the parties and perused the record.

Allegedly 2 kgs of heroin was recovered from the petitioner which falls under the purview of commercial quantity. Considering the antecedents of the petitioner, this Court feels that no case for grant bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

However, considering that in the petition bearing number

CRM-M-20003-2013 filed by sister of the petitioner for false implication, no incriminating evidence could be collected against the petitioner, the CBI had exonerated the petitioner and kept him in column No.2 which the State duly acknowledges. The learned State counsel also admits the factum that the petitioner is a known patient of HIV. In the circumstances, the trial Court is directed to conclude the trial expeditiously preferably within five months from today. Further, considering the health of the petitioner, the trial Court shall make an endeavour to list the case on day to day basis. The parties are directed to cooperate in the trial.

10.03.2017

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(JITENDRA CHAUHAN)
JUDGE

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