

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

CRM-M-46803-2017

Date of decision:- 6.2.2018

Lachhman Lal @ Monga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.S. Rana, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Lachhman Lal @ Monga – an accused in FIR No.213 dated 1.8.2013,
under Section 15 of NDPS Act, registered with Police Station Nakodar,
District Jalandhar.

Briefly stated, the facts of the case as per prosecution story
are that on 1.8.2013, a police party from Police Station Nakodar being
headed by ASI Sukhdev Singh travelling in a Government vehicle was
present at bus-stand, Nakodar where ASI Sukhdev Singh received secret
information that Paramjit Kaur Pammi wife of Makhan daughter of late
Pargan Ram and Balbir @ Biro wife of Tara, both of them from Sansi

community, residents of village Thablke were in the habit of selling the poppy husk and Manjit Singh @ Mangi son of Kala, resident of Kirpalpur Colony, P.S. Sadar, Phagwara had just supplied huge quantity of poppy husk, which was there at the house of Balbir Kaur @ Biro and if a raid was conducted, then the same could be recovered. Accordingly a raid was conducted at the house of Balbir Kaur @ Biro. Balbir Kaur @ Biro and Paramjit Kaur Pammi were found weighing poppy husk inside a room of the house. Four bags of poppy husk were lying near them. The mouth of one bag was opened. Both Balbir Kaur and Paramjit Kaur Pammi were apprehended and at their asking Sh.Harinderpal Singh Parmar, DSP, Nakodar was summoned to the spot. Surinder Singh, Sarpanch of village Hussainabad was joined in the police party. The three other bags were found containing poppy husk. Samples were drawn from the four bags. Each bag was found containing 34 kgs. 500 gms. of poppy husk. The bags were closed and sealed, the total recovery being 140 kgs. of poppy husk. After registration of the formal FIR, the matter was investigated. The petitioner accused could not be arrested in this case and was declared a proclaimed offender. He was arrested on 30.8.2017 and since then he is in custody. He had moved an application for regular bail, which was dismissed by Judge, Special Court, Jalandhar vide order dated 28.11.2017. As such, he has approached this Court requesting for the same relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increase drug trafficking.

The accused has been on run after registration of the FIR and was declared a proclaimed offender. He was arrested after several years of the registration of the FIR on 30.8.2017. His conduct shows that there is every possibility of his absconding again, if released on bail. The custody certificate placed on file by the State counsel goes to show that he is involved in several other criminal cases, details of which are as under:

(i) FIR No.119 dated 23.8.2017, under Section 211 NDPS Act, P.S. Sadar, Phagwara, District Kapurthala.

(ii) FIR No.166 dated 22.11.2012, under Section 307 IPC, P.S. Goraya, District Jalandhar.

(iii) FIR No.77 dated 29.8.2013, under Sections 224/225/120-B IPC, Police Station Nurmahal, District Jalandhar.

(iv) FIR No.348 dated 14.12.2013, under Sections 379/411 IPC, P.S. Sadar, Nakodar, District Jalandhar.

It shows that the petitioner – accused has got a shady past.

Such type of accused cannot be relied upon and there are every chance of his absconding, tampering with the prosecution evidence, indulging in criminal activities again and trying to escape the justice delivery system, if granted bail. Keeping in view the extent of recovery involved, which is of commercial quantity, bar of Section 37 of NDPS Act is also there, which prohibits grant of bail in such type of cases.

Thus, finding no merit in the petition, the same stands dismissed.

6.2.2018

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**