

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

CRM-M-8819-2018

Date of decision: - 25.05.2018

Rohit Bhatti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.114 dated 27.05.2014 registered for offences punishable under Sections 399, 402 and 411 of Indian Penal Code (for short, "IPC"); 25 of the Arms Act; and 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, District Amritsar.

2. It is contended by learned counsel for the petitioner that the petitioner is in custody since 05.01.2018 and the alleged recovery is 110 grams of intoxicating powder. It is further contended that the charges

have already been framed in this case and now nothing is to be recovered from the petitioner.

3. On the other hand, learned State counsel has opposed the bail and produced the custody certificate of the petitioner, which is taken on record.

4. Heard learned counsel for the parties and perused the paper-book.

5. Perusal of the above-said custody certificate reveals that the petitioner is a habitual offender and he has already been convicted in FIR No.61/13, registered under Section 22 of the NDPS Act, at Police Station Wind, Amritsar as well as in another FIR No.173/10, registered under Section 382 IPC, at Police Station Civil Line, Amritsar. In addition to the above, there are following four other criminal cases are pending against the present petitioner: -

- “(a) FIR No.23/16, under Sections 379-B and 34 IPC, registered at Police Station Civil Line, District Amritsar.
- (b) FIR No.417 dated 27.11.2015, under Sections 459, 427, 148 and 149 IPC, registered at Police Station Civil Line, District Amritsar.
- (c) FIR No.89/14, under Section 382 IPC, registered at Police Station Cantt., District Amritsar.
- (d) FIR No.102/14, under Section 382 IPC, registered at Police Station Cantt., District Amritsar.”

6. In view of the fact that the petitioner is a habitual offender involved in many other criminal cases and the commercial quantity of contraband was recovered from his possession in this case, fully attracts

the bar to grant bail, as contemplated under Section 37 of the NDPS Act, therefore, he is not entitled to the concession of regular bail. Hence, the present petition is hereby dismissed.

May 25, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes