

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

**CRM-M No.39489 of 2019 (O&M)
Date of Decision: 15.11.2019**

Kulwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gurpreet Singh Thind, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.130 dated 20.10.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station City Jalalabad, District Fazilka.

Contentends that petitioner has been falsely implicated in the present case and thus, deserves the concession of pre-arrest bail.

On the other hand, learned State Counsel, on instructions from ASI Malkit Singh, opposed the prayer and submitted that apart from the present case, petitioner is a previous convict under Section 20 of the NDPS Act as well as under Excise Act. Further submitted that on prior occasion

also, when this Court was not inclined to grant the concession of pre-arrest bail, petitioner had withdrawn the petition bearing CRM-M No.6602 of 2019, vide order dated 01.04.2019 (P-6).

Heard both sides and perused the paper-book.

There is no dispute that on earlier occasion also, petitioner approached this Court and the pre-arrest bail petition was dismissed as withdrawn. On a specific query put by this Court as to what is the new ground for filing the present petition, learned Counsel for the petitioner is not able to point out anything. Previous conviction under NDPS Act is not disputed, however, he is not aware as to whether the same has been challenged before this Court or not, but the fact remains that petitioner is a previous convict and moreover, recovery in the present case is. 60 Kgs. of *Poppy Husk* i.e. commercial quantity. Consequently, no case is made out for grant of pre-arrest bail to the petitioner and as such, this Court is left with no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

November 15, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>