

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 1732 of 2020 (O& M)

Date of Decision: 12.10. 2020

Amanpal Singh alias Amna

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kulwinder Singh, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

This is second petition for grant of regular bail to the petitioner in a criminal case arising from FIR No. 20 dated 07.02.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”) at Police Station Lambi, District Sri Muktsar Sahib.

The first petition (Criminal Misc. No. M-40648 of 2019), filed by the petitioner for grant of regular bail, was dismissed on 26.09.2019, with the following order:

“Petitioner prays for bail in FIR No. 20 dated 07.02.2019 registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Lambi, District Sri Muktsar Sahib.

As per the case of the prosecution, 1000 intoxicant tablets were found in possession of the petitioner. The recovery

from the petitioner is of commercial quantity. As per the custody certificate, the petitioner is also involved in another case under NDPS Act. Hence, no ground to grant regular bail to the petitioner is made out.

Dismissed”.

Learned counsel for the petitioner contends that the petitioner is in custody and the trial of the case has not made any substantial progress.

On the other hand, Ms. Samina Dhir, Deputy Advocate General, Punjab, has pointed out that the petitioner is a previous convict under the 1985 Act.

Learned counsel for the petitioner has contended that the petitioner has already undergone the sentence in that case.

Be that as it may. The recovery effected from the petitioner falls in the category of commercial. Merely because the petitioner has already undergone the sentence in another case, his conviction still stands and does not get erased.

In view of the spread of COVID-19, the normal functioning of the Courts has not been possible, therefore, there is some delay.

Keeping in view the totality of the facts, no ground is made out to grant the concession of regular bail to the petitioner and hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

October 12, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No