

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

(1) CRM-M-20779-2020 (O&M)
Date of decision: 30.07.2020

Karambir @ Nakli

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-20798-2020 (O&M)
Date of decision: 30.07.2020

Karambir @ Nakli

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this common order, two petitions filed by petitioner

Karambir @ Nakli, aged about 38 years, an accused in FIR No.30 dated 31.01.2018, for offences under Sections 15, 16 and 20 (for short 'the Act') and in FIR No.128 dated 09.07.2012, for offence under Section 15 of the Act, registered with Police Station Uchana, District

Jind, are being decided, whereby he prays for his release for 25 days by grant of interim bail in both cases, so as to enable him to attend his wife who according to him require surgery due to having stone in the abdominal wall.

Briefly stated the facts of the case as per prosecution story are that, on 31.01.2018, a police party from Police Station Uchana, District Jind while travelling in a Govt. vehicle in connection with patrolling received a secret information that Sandeep son of Prem Singh, resident of Ghanso Khurd was running a hotel/dhaba under the name and style of Sharma Hotel near Bus Stand Ghanso and he has been selling poppy husk etc., from his hotel. Finding the information to be reliable, the incharge of the police post sent ruqa to police station for registration of FIR and police party proceeded towards the spot for conducting raid. Sandeep was apprehended from the hotel/dhaba; his hotel/dhaba was searched as per law in the presence of Sh. Kulwant Singh, DSP, Narwana. From the north west corner of the room constructed on the eastern side of hotel/dhaba, 06 plastic bags with mark Annapurna Brand Best MP Special Wheat printed thereon and open plastic bags of green and yellow colour were recovered; 05 plastic bags were found to contain poppy husk having weight of 20 kgs each, one having 17 kg of poppy husk, whereas the other bag of green and yellow was found to contain 05 kgs of ganja; in that way, poppy husk weighing 117 kgs and 05 kgs of ganja were recovered, which were taken into possession. Accused Sandeep was accordingly arrested

and the contraband was seized; the matter was investigated; during interrogation of Sandeep, Karambir @ Nakli (present petitioner) was nominated. He was also arrested in this case.

With regard to facts of FIR No.128 dated 09.07.2012, on 09.07.2012, a police party from Police Station Uchana on receipt of secret information that petitioner Karambir @ Nakli was engaged in business of selling poppy husk had conducted raid at residential house of the petitioner-accused at Village Chhattar, then from inside the room under the basement, 12 gunny bags and 02 plastic bags containing contraband were recovered; 11 gunny bags and 02 plastic bags contained poppy husk, whereas 01 gunny bag was found to contain broken doda of poppy husk. The total contraband recovered came out to 455 kgs of poppy husk and 27 kgs of chura post, total 482 kgs.

Petitioner/accused Karambir @ Nakli had moved an application for grant of interim bail before Addl. Sessions Judge, Jind for the reason that his wife Smt. Kavita is suffering from stone problem and is taking treatment from Amar Hospital; doctor has advised surgery to her and there is no other person in the family to look after Kavita. Therefore, application be accepted. The application was dismissed by Addl. Sessions Judge, Jind, vide order dated 03.07.2020.

The operative part of the order is as under:-

“As per the prosecution case, the applicant/accused has supplied 1 Qunital 20 kgs poppy husk to his co-accused Sandeep and thereafter, on 31.1.2018 in the area of village Ghaso Khurd Jind-Narwana Road, within the jurisdiction of

Police Station Uchana, his co-accused Sandeep was found in his conscious possession 117 kgs. Poppy husk without any permit or licence. Moreover, as per reply, applicant/accused remains involved in 10 more cases bearing FIR No. 166 dated 18.10.2005 u/s 307/34 IPC and 25/54/59 of Arms Act, P.S. Uchana, FIR No.164 dated 7.7.2006 under Section 25/54/59 of Arms Act, P.S. Uchana, FIR No.56 dated 25.3.2003 u/s 302/201/34 IPC, P.S. Narnaund, FIR No.36 dated 19.5.2004 u/s 15 of NDPS Act, P.S. Alewa, FIR No.179 dated 8.10.2004 u/ss 399/402 IPC, P.S. Uchana, FIR No.158 dated 15.10.2006 u/s 61 of Excise Act, P.S. Alewa, FIR No.171 dated 28.10.2005 u/s 398/401 IPC and 25/54/59 of Arms Act, P.S. Uchana, FIR No.114 dated 17.4.2018 u/s 174-A IPC, P.S. Uchana, FIR No.7 dated 4.1.2007 u/s 302/34 IPC and 25/54/59 of Arms Act, P.S. Garhi and FIR No.30 dated 31.1.2018 u/s 15 of NDPS Act, P.S. Uchana, out of which in five case bearing FIR No.FIR No.36 dated 19.5.2004 u/s 15 of NDPS Act, P.S. Alewa, FIR No.179 dated 8.10.2004 u/ss 399/402 IPC, P.S. Uchana, FIR No.158 dated 15.10.2006 u/s 61 of Excise Act, P.S. Alewa and FIR No.114 dated 17.4.2018 u/s 174-A IPC, P.S. Uchana, FIR No.7 dated 4.1.2007 u/s 302/34 IPC and 25/54/59 of Arms Act, P.S. Garhi he has been convicted and case bearing FIR No. 128 dated 9.7.2012 u/s 15 of NDPS Act, P.S. Uchana, is still pending.

Even otherwise, as per reply, wife of the applicant/accused is not residing in village Chhatar and further there is one real brother of the applicant/accused namely Manoj and one Vinod, who is the brother of the wife of the applicant/accused to look-after the wife of the applicant/accused.”

He has come to this Court, craving for grant of similar

relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no ground to grant interim bail to the petitioner. He comes out to be a habitual criminal being involved in more than 10 cases of different types; some of them with regard to heinous crimes like murder, attempt to murder, dacoity, having been declared proclaimed offender, in one of the case, he is said to have been convicted. Filing of this application seems to be an excuse to come out of the jail and there is every likelihood of the petitioner taking to path of crime again, to abscond and trying to tamper with the prosecution evidence.

The drug trafficking is rising at an alarming rate in this region 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.

Keeping in view the huge quantity of contraband amounting to commercial quantity, bar of Section 37 of the Act is certainly there and the petitioner cannot be granted regular bail. It being so, there is hardly any justification to grant interim bail to him. Even otherwise, as noticed by Addl. Sessions Judge, Jind several other

family members are there to look after wife of the petitioner-accused in case she requires any surgery. There is absolutely no merit in the instant petitions. The same stand dismissed.

30.07.2020
sumit.k

(H.S. MADAAN)
JUDGE

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