

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

CRM-M-25375 of 2020 (O&M)
DATE OF DECISION: 06.10.2020

Gurmeet Singh @ Micky	Vs.	 Petitioner.
State of Punjab		Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajat Dogra, Advocate, for the petitioner.
Mr. Harsimar Singh Sitta, AAG, Punjab

ALKA SARIN, J (Oral)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.105 dated 13.10.2019 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') registered at Police Station Special Task Force Police, District Special Task Force Wing, SAS Nagar, Mohali.

Learned counsel for the petitioner has contended that the petitioner is in jail and that there was no way he could have been involved in dealing with drugs. It has further been contended that no phone has been recovered from the petitioner.

The allegations in the FIR are that a secret information was received regarding the petitioner, who is lodged in jail, that he was using mobile number 9646193361 in the jail and he used to talk on the mobile phone with Sukhbir Singh alias Sukha about the supply of Heroin. On the basis of said information, a raid was conducted at the disclosed place and co-accused Sukhbir Singh alias Sukha was apprehended with 1kg 600grams of Heroin.

Learned State counsel has placed on record a copy of the custody certificate, which is printed and retained on the file. A perusal of the custody certificate reveals that there are numerous cases against the petitioner not only under the NDPS Act but also under the Prisons Act. It has further been contended by learned State counsel that there are 9 cases under trial and in one case the petitioner has been convicted under the Prisons Act whereas in two cases the petitioner has been acquitted.

In the present petition, the petitioner has stated in para 16 of the petition that except for the present FIR and FIR No.60 of 2019 under Section 427 IPC registered at Police Station Basti Jodhewal, District Ludhiana, there was no other case pending against the petitioner.

A perusal of the custody certificate reveals that there is no mention of any such FIR. However, there are numerous cases which have been mentioned under various provisions including the Prisons Act and NDPS Act. The petitioner appears to be a habitual offender. Even in the present case, the charges against the petitioner are of a grave nature inasmuch as he is alleged to have been dealing in supplying of Heroin from within the precincts of the jail.

In view of the above, I do not find it to be a fit case for grant of regular bail to the petitioner. However, nothing observed herein shall be deemed as an expression of opinion on the merits of the case.

The petition is accordingly dismissed.

October 06, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No