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

CRM-M-26964 of 2020 (O&M)

Date of decision: September 15, 2020

Gurmeet Singh @ Meeta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. N.K. Banka, DAG Punjab.

MAHABIR SINGH SINDHU, J

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.230 dated 02.11.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City-1, Abohar, District Fazilka.

Brief facts of the case are that on 02.11.2019, complainant-ASI Som Parkash along with police officials was on patrolling. When they reached about 1 kilometer away from Kiliyan Wali Chowk Bypass, they saw one car bearing registration No.DL-9CQS-5829 (grey colour) coming in a suspicious condition; accordingly, gave signal to stop it. Driver of the car became perplexed and he along with one person sitting beside him tried to fled away by opening the doors of the car.

Complainant and other police officials somehow managed to caught hold

of them and asked their whereabouts, upon which driver disclosed his name as Gurmeet Singh @ Meeta (present petitioner) and the other one named himself as Jaswinder Singh @ Jassa. Car was searched and poppy-husk in plastic bags were found lying on the rear seat of the car.

Contends that petitioner is in custody since 02.11.2019 and challan has already been presented on 08.04.2020. Also contends that alleged recovery, in the present case, is from two persons, thus, petitioner can't be held responsible. It is also the contention that trial is likely to take sufficient long time due to prevailing circumstances, hence, petitioner be granted the concession of bail.

On the other hand, learned State counsel has opposed the prayer and submitted that apart from the fact that 80 kg. of poppy-husk was recovered from the car, which was being driven by petitioner, he is a previous convict also under the NDPS Act; thus, does not deserves the concession of bail.

Heard both sides and perused the paper-book.

Concededly recovery in the present case is alleged to be 80 kg. of poppy-husk effected from two accused including the present petitioner and he was driving the car in question. Also necessary to mention here that both the accused were arrested at the spot and apart from the present case, petitioner is a previous convict under NDPS Act. Also noteworthy that earlier bail petition filed by the petitioner was dismissed as withdrawn on 14.07.2020 and after two months, there is no new ground made out for grant of bail pending trial.

In view of the above, this Court has no option except to dismiss the present petition.

Ordered accordingly.

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

(MAHABIR SINGH SINDHU)
JUDGE

September 15, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No