

CRM-M-28956-2020

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

CRM-M-28956-2020

Date of decision:29.10.2020

Sandeep Singh @ Bhardkila

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gursimran Singh Bawa, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Status report by way of affidavit of the Assistant Commissioner of Police, North, Amritsar City, and custody certificate by way of affidavit of the Deputy Superintendent, Central Prison, Faridkot, have been filed through e-mail. Prints out of the same are taken on record.

Through this petition, the petitioner seeks regular bail in case FIR No.487 dated 03.10.2017, registered at Police Station Civil Lines, Amritsar, under Sections 22 and 29 of the NDPS Act.

Learned counsel for the petitioner contends that the petitioner has been in custody for the last more than 03 years; that he has falsely been implicated in the present case; that co-accused, namely, Akash, who had allegedly handed over a polythene bag containing intoxicant powder, has already been granted bail, vide order dated 30.08.2019 passed by a

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Coordinate Bench of this Court in CRM-M-3466-2019; that criminal appeal i.e. CRA-S-2803-SB-2016 preferred by the petitioner challenging his conviction in FIR No.91 dated 23.05.2014, under Sections 21 and 22 NDPS Act, registered at Police Station C-Division, Amritsar, is pending adjudication before this Court; that challan has been presented and that out of 12 prosecution witnesses, 04 have already been examined.

On the other hand, learned State counsel while opposing the prayer made in the present petition, submits that when he was being taken back to the jail after having been produced before the Court in some other case, then while boarding the bus, he had procured a polythene packet containing intoxicant tablets, following which the present case was registered. He further contends that the petitioner has as many as six other cases, including the cases under the NDPS Act, registered against him.

I have heard the learned counsel for the parties.

The learned Additional Sessions Judge, Amritsar, while dismissing the bail application of the petitioner, noticed that the recovered quantity of intoxicant tablets falls under the commercial quantity.

The petitioner cannot claim parity with co-accused, Akash Singh as it is specifically mentioned in the order dated 30.08.2019 allowing him bail that he is not involved in any other case. However so far as the petitioner is concerned, out of six other cases registered against him, he has been convicted and sentenced in one case under the NDPS Act for a period of 10 years. Besides, the petitioner procured a polythene packet containing intoxicant tablets when he had been taken back to the jail after having been produced before the court in some other case.

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Keeping in view the antecedents of the petitioner, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

Finding no merit in the present petition, the same is dismissed.

29.10.2020

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No