

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

CRM-M-28617-2020

Date of decision:-28.9.2020

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.G.S. Kaura, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner – Jaibir aged about 47 years, a resident of village
Garanpura Khurd, Tehsil Tosham, District Bhiwani was booked in case
FIR No.144 dated 5.4.2019 for the offence under Section 15-C/61 of
NDPS Act (Section 27-A NDPS Act added later on), registered with
Police Station Tosham, District Bhiwani on the allegations that on

5.4.2019, his co-accused Pardeep while driving a truck was apprehended and was found carrying poppy straw weighing 180 kgs. Said Pardeep during interrogation suffered a disclosure statement that petitioner Jaibir had given him Rs.5 lakhs for purchase of poppy straw, thereby financing the contraband. Accused Jaibir was accordingly nominated and arrested in this case on 22.10.2019. He had moved an application before the Court of Sessions at Bhiwani, which was however dismissed by Additional Sessions Judge, Bhiwani vide order dated 21.12.2019. Thereafter, he had approached this Court earlier by way of filing CRM-M-2103-2020, which was however dismissed on 6.3.2020. Now the petitioner has approached this Court again by moving the second application for regular bail, which is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

I find that there has not been any change in circumstances since dismissal of the first bail application. Here it would be proper and appropriate to reproduce operative part of the first order, which for ready reference is being reproduced as under:

This Court cannot lost sight of the fact that drug addiction amongst people of the region especially young ones is increasing alarmingly with the result the health and physical well being of those people are getting affected adversely. A big social problem has already been arisen. The reasons for increased drug addiction may be many but one of them is easy supply of drugs. People initially take two drugs just to

get kick out of it but with passage of time, they become addicts. The drug peddlers for the sake of easy money are forcing innocent people to consumption of drugs. Such type of persons who thrive on the basis of drug trafficking and investing money therein do not deserve any leniency, rather, they need to be dealt with sternly, so that the increasing habit of drug addiction is checked and it does not go out of control. The accused comes out to be a habitual criminal. He is stated to be involved in three other criminal cases. If he is granted regular bail, there is every chance of his absconding, tampering with the prosecution witnesses by giving threat/inducement to them and taking to path of crime again. As stated by State counsel, trial against the petitioner is going on and out of 20 PWs, 07 PWs have already been examined and the next date of hearing fixed is 26.03.2020. The guilt of the accused shall be determined during the trial. If he is found to be guilty, he will be convicted and if not so, then he would earn acquittal but as the things stand, no case for grant of regular bail is made out. His request in that regard stands declined and the petition is dismissed accordingly. However, a direction is issued to the trial Court to conclude the trial expeditiously preferably within a period of six months from the date of receipt of copy of order there. The trial Court is further directed to give reasons in each interim order when the case is to be adjourned to some other

date.

Although on account of outbreak of Covid-19, the proceedings in the trial Court are stated to have been held up for the time being but then it is a temporary phase and hopefully things would improve in near future.

Keeping in view the gravity of allegations and bar of Section 37 of NDPS Act and there being no change in circumstances, no ground for grant of regular bail to the petitioner is made out.

Therefore, finding no merit in the petition, the same stands dismissed.

28.9.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No