

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48674-2019 (O&M)

Date of decision: September 24, 2020

Tarsem Singh @ Sema

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Virk, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing)

ARVIND SINGH SANGWAN, J.

CRM-23621-2020

For the reasons stated in the application, the same is
allowed and the hearing of the case is pre-poned to today.

CRM-M-48674-2019

This is the second petition filed under Section 439
Cr.P.C. for grant of regular bail to the petitioner in case FIR
No.92 dated 1.7.2018 under Section 22 of the NDPS Act, 1985
registered at Police Station Bhikhiwind, District Tarn Taran, the
earlier one was dismissed as withdrawn on 22.8.2019.

Counsel for the petitioner submits that as per the
allegations in the FIR, the police party headed by ASI Puran
Singh apprehended the petitioner on suspicion and after giving
notice under Section 50 of the NDPS Act, recovered
900 intoxicants tablets, which were found to be a narcotic of

commercial quantity. Counsel for the petitioner further submits that the petitioner is in custody for the last 01 year and 09 months and since the trial is not proceeding, the petitioner be granted the concession of regular bail.

In reply, the learned State counsel has filed the custody certificate of the petitioner and according to which the petitioner is in custody for the last 01 year and 09 months. However, a perusal of the reply further show that the petitioner is involved in two more FIRs under the NDPS Act, i.e. FIR No.288 dated 23.12.2017 under Section 22/61 of NDPS Act, registered at Police Station Bhikiwind, Tarn Taran and FIR No.179 dated 11.6.2015 under Section 21/61 of the NDPS Act, registered at Police Station Patti, District Tarn Taran.

Though the petitioner is on bail in the said FIRs, however, during the pendency of the said trial, the petitioner has again committed the offence for which the present FIR has been registered.

After hearing counsel for the parties and considering the fact that the petitioner, on previous occasion is already facing two trials under the NDPS Act and the recoveries are of commercial quantity, therefore, no ground is made out for grant of regular bail to the petitioner.

Accordingly, the petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

September 24, 2020
satish

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No