

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3137-2021

DATE OF DECISION: JANUARY 27, 2021

ASHU GUPTA @ ASHU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MONTY GOYAL, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.321 dated 16.11.2014, under Section 22 NDPS Act, Police Station Dharamkot, District Moga. The petitioner is in custody since his arrest on 6.9.2020.

As per the allegations in the FIR, when a police party was on patrol duty and was going from Ferozewala Ada to village Ammivala, near the Power House area, at around 3.00 p.m., a young man was seen coming on foot carrying a plastic polythene in his right hand. On seeing the police party, he got perplexed and tried to turn towards Power House. On suspicion, he was apprehended and on enquiry, he disclosed his name as Ashu Gupta @ Ashu son of Jai Pal Gupta. On his search, 45 gms. of intoxicant powder was recovered from him. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that during the pendency of the trial, the petitioner was released on regular bail, but as the

petitioner absented himself during the trial proceedings, therefore, he was declared as Proclaimed Offender and was arrested on 6.9.2020. He submits that the trial is likely to consume considerable time and prays for his release on regular bail.

On the other hand, learned counsel for the State assisted by ASI Kuldeep Singh has opposed the aforesaid prayer on the ground that the petitioner is involved in other similar cases and has also earned conviction in case FIR No.92 dated 9.5.2009, under Section 15 NDPS Act, Police Station Ferozepur. In this regard, he has produced the custody certificate filed by way of affidavit of Harpreet Singh, PPS, Deputy Superintendent (M), Central Prison, Faridkot.

Considering the above background and the nature of the offence, this Court does not find it a fit case for releasing the petitioner on regular bail.

The petition is dismissed.

January 27, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No