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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3521-2020 (O&M)
Date of decision-28.09.2021

Davinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Digvijay Nagpal, Advocate for
Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

CRM-6038-2020

The instant application is for placing on record documents
Annexure P-6 to P-8.

Notice in the application.

At the asking of the Court, Mr. Bhupinder Beniwal, AAG,
Punjab, accepts notice on behalf of the respondent-State and does not oppose
the prayer.

Application is allowed and documents Annexure P-6 to P-8

annexed with the application are taken on record.

CRM-M-3521-2020

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.127 dated 10.07.2019 registered under Sections 22/61/85 of NDPS Act, 1985 at Police Station Sadar, Samana, District Patiala. Petitioner is in custody since his arrest on 10.07.2019.

As per prosecution version on 10.07.2019, the police of CIA Samana in the area of bridge canal Kasampur apprehended the petitioner with 12000 intoxicating tablets.

Learned State counsel has pointed out that the recovered contraband falls under commercial quantity and out of 11 prosecution witnesses, 2 have been examined so far. He on instructions from ASI Nishan Singh further states that the petitioner has already been convicted in case FIR No.115 dated 31.07.2013.

Learned State counsel has produced the custody certificate of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Deputy Superintendent, Central Jail, Patiala which indicates that the petitioner is presently serving the sentence pursuant to his conviction in case FIR No.115 dated 31.07.2013 under Section 22/61/85 of NDPS Act, 1985 recorded on 02.02.2017. According to the custody certificate sentence of rigorous imprisonment of ten years has been imposed upon him besides fine of Rs.1 lakh.

Consequently, in view of the above background, no case is made

out for grant of regular bail to the petitioner.

The petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.09.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No