

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

(219-2)

CRM-M-6093-2021

DATE OF DECISION: -26.10.2021

PRITPAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Meenu, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the respondent-State.

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

This is the second petition seeking grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in FIR No.55 dated 24.05.2020 registered under Section 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the Act”) at Police Station Sadar Moga, District Moga, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered when a motorcycle being driven by Pritpal Singh (present petitioner) was intercepted and a black coloured plastic bag containing 1500 tablets of CLOVIDOL-100 SR were recovered. The person sitting on the pillion, Harjinder Singh @ Raju, managed to escape. The petitioner was arrested at the spot.

Counsel for the petitioner has argued that the petitioner is innocent and has been falsely framed. She submits that the petitioner has been in custody for the last more than one year and five months and the trial is not progressing, therefore, he deserves to be released on bail.

On the other hand, learned State counsel, upon instructions from, ASI Balwinder Singh has submitted that the petitioner has been found to be in possession of commercial quantity of contraband and does not deserve to be released on bail in view of the stringent provision of Section 37 of the Act. He submits that the challan against the petitioner has been presented on 25.05.2020, charge has been framed on 19.03.2021 and 08 out of 22 prosecution witnesses have been examined despite the fact that the Courts have been functioning in a restricted manner.

Having considered the submissions made by the counsel for the parties, this Court is of the view that the petitioner does not deserve to be released on bail as he has been found to be in conscious possession of 609 grams of CLOVIDOL, which falls within the ambit of commercial quantity as per the notification issued under the provisions of the Act. The trial of the case has sufficiently advanced and the mere fact that the petitioner has been in custody since May 2020 does not advance his case. Moreover, this is the second petition seeking grant of bail by the petitioner after the first one (CRM-M-27152-2020) was withdrawn, after arguments, on 15.10.2020. Filing of subsequent petition amounts to seeking review of the earlier judgment, which is not permissible in criminal law.

Finding no merit in the petition, the same is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

26.10.2021
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No