

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-5868 of 2021
Date of Decision : 01.04.2021

Amandeep Singh @ Amna

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kulwinder Singh Lakhanpal, Advocate for
Mr. Gagneshwar Singh Walia, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 96 dated 27.05.2020, under Sections 21, 61, 85 of NDPS Act, 1985, registered at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner argues that recovery of the contraband was made from the dashboard of the vehicle and not from the personal search of the petitioner and petitioner is not a registered owner of the said vehicle. Learned counsel for the petitioner submits that petitioner is already behind bars since 26.05.2020, hence he be granted the benefit of regular bail.

Learned State counsel submits that the petitioner is a habitual offender and there is already another case registered against him under

Section 21 of the NDPS Act, 1985 being FIR No. 69 dated 28.07.2019.

Learned counsel for the petitioner submits that petitioner is already on bail in respect to the allegations alleged in the FIR No. 69 dated 28.07.2019.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts stated above, it transpires that the present FIR has been registered while the petitioner was on bail in respect of FIR No. 69 dated 28.07.2019. The allegation against the petitioner shows that the petitioner has again indulged himself in the similar activities violating the Provisions of the NDPS Act, 1985 after the grant of bail and has not maintained good conduct while on bail. It can be safely presumed that the petitioner is a habitual offender having scant respect for the law.

Further, under the provisions of the NDPS Act, 1985, the bail can only be granted in case, Court is of the opinion that the petitioner will not indulge in the same activities again if enlarged on bail. As per the facts of the present case, the petitioner was granted the benefit of bail in FIR No. 69 dated 28.07.2019, which was registered alleging the violation of the NDPS Act, 1985, but still, the petitioner has indulged in the same activities while on bail again violating the Provisions of NDPS Act, 1985. Facts mentioned hereinbefore show that petitioner is a habitual offender hence, this Court is of the opinion that in case, petitioner is granted the concession of bail, he will again indulge in the unlawful activities.

The consumption of drugs is ruining the life of young generation. The lives of the family of the drug addict are not only facing

stigma in the society but mental torture as well which needs to be curtailed at any cost. Though, the offenders need to be given another chance to come in the main society and live normal life but where the offender is continuing to indulge in the same activities despite given a chance, grant of repeated chances to the offenders is dangerous to the society, which fact cannot be ignored while considering the plea of an accused who has committed a similar offence again while on bail and that too relating to violation of NDPS Act, 1985.

That being so, no ground is made out to grant the benefit of bail to the petitioner in the facts and circumstances of the present case.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 01, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*