

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8534-2021

Date of decision: - 06.07.2021

Amandeep Singh @ Ammu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Amandip Kaur, Advocate
for Mr. Jasvir Singh, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the seoncd petition filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.66 dated 20.06.2020, registered under Sections 21/22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Badali Alla Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present case and he is innocent. Learned counsel for the petitioner further argues that petitioner is behind the bars for the last approximately one year and therefore, on the ground of custody already undergone, he be released on regular bail.

Notice of motion.

Mr. Prabhjot Singh Walia, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that the banned substance of commercial quantity has been recovered from the petitioner and not only this, he is a habitual offender as there is another FIR under the NDPS Act and two FIRs under the IPC pending against him and therefore, the prayer of the petitioner for the grant of regular bail be declined.

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

In the present case, the recovery of commercial quantity of banned substance has been done from the petitioner. While considering the prayer of the petitioner this Court has to keep in mind whether the petitioner will again indulge in illegal activities prejudicial to the society at large, in case he is granted the concession of bail. In this case, the petitioner, while on bail in another FIR under the NDPS Act, has indulged in the illegal activities by not only violating the NDPS Act, but also the bail conditions in respect of an earlier FIR registered against him for violating NDPS Act. Petitioner, prima facie, is a habitual offender.

Keeping in view the fact that the petitioner has indulged in the illegal activities by violating the NDPS Act despite having an earlier FIR registered against him under the said Act and that too by defying the conditions of bail in earlier case, no ground is made out to grant the petitioner the benefit of regular bail.

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.

	(HARSIMRAN SINGH SETHI)
July 06, 2021	JUDGE
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Whether reasoned/speaking?	Yes
Whether reportable?	No