

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

CRM-M-8875-2021(O&M)

Date of decision:03.03.2021

Sukhdev Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sandeep Verma, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J.

This is second petition for grant of bail pending trial to the petitioner in a criminal case arising from FIR No. 06 dated 16.11.2018, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station State Special Operations Cell, S.A.S. Nagar, Mohali.

On 12.10.2020, the first bail petition of the petitioner alongwith other co-accused was dismissed with the following order:-

“By this order, Criminal Misc. No. M-27640 of 2020 and Criminal Misc. No. 5185 of 2020 shall stand disposed of.

All the petitioners, in two separate petitions, pray for grant of regular bail pending trial in a criminal case arising from FIR No. 06 dated 16.11.2018, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”) and Section 482 & 483 IPC, at Police Station S.S.O.C. S.A.S. Nagar District S.A.S. Nagar.

As per the case of the prosecution, 10 Kgs. of opium was recovered from the conscious possession of the petitioners along with others.

The prayer of Meena Devi Dangi (the petitioner in Criminal Misc. No. M-27640 of 2020) & another for grant of regular bail was disposed of by this Court on 10.12.2019 with the following order:

“This is second petition for grant of bail in a criminal case arising from FIR No.6 dated 16.11.2018 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 482/483 of the Indian Penal Code at Police Station S.S.O.C. SAS Nagar.

As per the case of the prosecution, 10 kg of opium was recovered from the conscious possession of petitioners along with the co-accused. The first bail application was dismissed as withdrawn on 16.07.2019.

Learned counsel for the petitioners could not draw attention of the court to any change in the circumstances.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioners particularly when recovery from the petitioners is of commercial quantity in view of bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

However, keeping in view the facts that the petitioners are in custody, learned trial court is requested to make sincere endeavour to dispose of the case expeditiously.

Disposed of”.

Learned counsel for the petitioner-Meena Devi Dangi contends that inspite of the directions issued by this Court, no substantial progress in the trial of the case has been made.

This Court has considered the submissions made by learned counsel for the petitioner. Due to restricted functioning of the Courts since March, 2020 on account of spread of COVID-19, the normal functioning of the Courts has not been possible.

Keeping in view the rigors of Section 37 of the 1985 Act, no ground for grant of bail to Meena Dangi (petitioner in Criminal Misc. No. M-27649 of 2020) is made out and hence, the same is dismissed.

With respect to the prayer for grant of bail to petitioner-Sukhdev Singh alias Sukha (petitioner in Criminal Misc. No. M-5185 of 2020), it is stated by Ms. Samina Dhir, Deputy Advocate General, Punjab that he is a habitual offender and

involved in as many as nine more cases including the cases under the NDPS Act1985.
In view of the above, no ground is made out to grant regular bail to all the petitioners.
Dismissed.”

No fresh ground for grant of bail is made out. Hence, dismissed.

03.03.2021
rekha
Whether speaking/reasoned
Whether Reportable

Yes /No
Yes / No

(ANIL KSHETARPAL)
JUDGE