

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

Sr. No.206

CRM-M-13196-2021 (O&M)

Date of decision : 27.09.2021

Samdarsh @ Joseph

..... Petitioner

VERSUS

Union Territory, Chandigarh

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurabh Arora, Advocate, for the petitioner.

Mr. A.M Punchhi, PP with
Mr. Anupam Bansal, APP
for the respondent.

SUDHIR MITTAL, J. (Oral)

This is the second petition for grant of regular bail in FIR No.201 dated 19.06.2020, registered at Police Station, Sector-39, Chandigarh, under Section 22 of NDPS Act, 1985, Section 25 of the Arms Act, 1959 and Section 188 IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. This is apparent from the fact that a complaint was made in this regard before the CBI Court at Chandigarh supported by audio recordings and CCTV footage. The CBI Court had directed the Chandigarh police to carry out investigation in the matter. Further, the petitioner has been in custody for more than 01 year and 03 months and the earlier bail petition was rejected only on the ground of less custody and a number of pending criminal cases. So far as the pending criminal cases are concerned, the petitioner has either been acquitted therein or FIR has been quashed on the basis of compromise. Only one FIR, i.e. FIR No.298 dated 17.09.2017 is pending and in that case, the complainant

RAMANDEEP SINGH
2021.09.28 15:38
I attest to the accuracy and
integrity of this document

has filed an affidavit in the trial Court that the petitioner is innocent. Thus, the petitioner deserves to be granted regular bail.

Custody certificate dated 25.09.2021 has been submitted in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 01 year, 03 months and 07 days and there are 06 criminal cases pending against him, besides one conviction under Section 307 IPC.

Learned counsel for the respondent submits that the issue regarding false implication raised by the petitioner has been considered in CRM-M Nos.19523 and 30386 of 2020 decided vide order dated 15.10.2020. The allegation has not found favour with this Court and thus, the petitioner cannot rely upon the same for the purpose of bail. 15 injections of buprenorphine were recovered from the petitioner and the same comprises commercial quantity. Apart from that, a country-made pistol and 06 live cartridges were also recovered. Under the circumstances, the petitioner can be granted regular bail only, if, he falls within the parameters laid down in Section 37 of the NDPS Act, 1985.

I have gone through the judgment dated 15.10.2020 passed in CRM-M Nos.19523 and 30386 of 2020. A perusal thereof shows that the allegation that the petitioner has been falsely implicated has been found to be suspect and thus, the petitioner cannot get any benefit by raising the allegation once again. It is not in dispute that the recovery effected from the petitioner is commercial quantity and thus, to succeed, he has to fulfill the parameters laid down in Section 37 of the NDPS Act, 1985. No meaningful arguments have been raised in this regard. Even though, the

RAMANDEEP SINGH
2021.09.28 15:38
I attest to the accuracy and
integrity of this document

custody period is beyond one year now, the petitioner cannot be granted regular bail.

In view of the above, the petition has no merit and is dismissed.

27.09.2021

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

(SUDHIR MITTAL)

JUDGE

Yes / No

Yes/ No