

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

CRM-M No.12911 of 2021 (O&M)
DATE OF DECISION: 01.04.2021

Amritpal Singh @ Babba

.....Petitioner

versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Prateek Pandit, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail to the petitioner in FIR No.322 dated 02.11.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) registered at Police Station Kotwali, Kapurthala, District Kapurthala.

Interim bail has been prayed for on the ground that the marriage of the petitioner's niece has been fixed for 04.04.2021 and the petitioner being real uncle (Mama) is required to perform certain marriage ceremonies.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of the respondent-State of Punjab.

Learned counsel for the State, on instructions from SI-Avtar Singh, has pointed out that earlier the Trial Court vide order dated 07.12.2017 had granted interim bail to the petitioner awaiting the chemical

examination report. On 07.01.2019, when the challan was presented, the petitioner absented himself and was declared a proclaimed offender on 05.03.2020 and was eventually arrested on 24.04.2020. It has also been stated that as per the custody certificate there are two other cases pending against the petitioner under the NDPS Act registered vide (i) FIR No.156/2018 at Police Station Kotwali, Kapurthala, District Kapurthala and (ii) FIR No.136 dated 26.05.2018 under Sections 21/61/85 of the NDPS Act at Police Station Division No.8, District Jalandhar. FIR No.136 dated 26.05.2018 under Sections 21/61/85 of the NDPS Act at Police Station Division No.8, District Jalandhar was registered while the petitioner was on interim bail.

I have heard learned counsel for the parties.

The brief facts relevant to the present case are that the petitioner was apprehended at the spot with 110 grams of intoxicating power which, after chemical examination, was found to be Alprazolam. The first and the second petition for interim bail being CRM-M-24636-2020 and CRM-M-1601-2021 filed by the petitioner were dismissed on 01.09.2020 and 19.01.2021, respectively.

The petitioner, in the present case, appears to be a habitual offender and there are two other cases registered against him under the NDPS Act. FIR No.136 dated 26.05.2018 was registered against him under Section 21/61/85 of the NDPS Act at Police Station Division No.8, District Jalandhar while the petitioner was on interim bail. Further the petitioner had earlier misused the concession of interim bail granted to him on 07.12.2017 by the Trial Court while awaiting the chemical examination report. On 07.01.2019, when the challan was presented, the petitioner absented himself and was declared a proclaimed offender on 05.03.2020 and was eventually arrested on 24.04.2020.

Keeping in view the above-noted facts, this Court does not find this to be a fit case for grant of interim bail to the petitioner.

Dismissed.

**(ALKA SARIN)
JUDGE**

01.04.2021
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