

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19064-2021(O&M)

Date of decision: 28.06.2021

Hari Chand alias Pappy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S.Dadwal, Advocate, for the petitioner

Mr. Amit Mehta, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

This is the second petition for grant of bail pending trial in a criminal case arising from FIR No.055, dated 17.06.2019, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at police Station Special Task Force, STF Wing, Phase IV, Mohali.

As per the case of the prosecution, the petitioner was apprehended with 720 grams Heroin (contraband).

The first petition filed by the petitioner for grant of bail was dismissed by this Court on 12.12.2019 with the following order:-

“Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.55 dated 17.06.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Special Task Force.

As per case of the prosecution, petitioner was found in conscious possession of 720 grams of heroin.

Learned counsel for the petitioner, while referring to

printout copy of CCTV footage, submits that the petitioner was picked up from his house and the aforesaid narcotics have been falsely planted on him. The printout copy of CCTV footage is yet to be proved.

In the present case, there is a huge recovery of 720 grams of heroin which is much above than commercial quantity starting above 250 grams.

Learned counsel for the State, on instructions from ASI Jaspal, has submitted that the petitioner is involved in 3 more cases under the Narcotic Drugs and Psychotropic Substances Act and approximately 9 cases under various provisions of the Indian Penal Code.

In view thereof, this Court is not inclined to grant regular bail to the petitioner.

Accordingly, the present petition is dismissed.”

Learned counsel representing the petitioner while drawing the attention of the Court to the assertions made in para 15 of the petition, submits that the petitioner has been acquitted in as many as 9 criminal cases. No doubt, the petitioner has been acquitted, however, in the aforesaid para itself it is stated that the petitioner is a previous convict under Section 21 of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

Keeping in view the aforesaid facts, this Bench is not inclined to grant concession of bail to the petitioner, particularly, when the alleged recovery from the petitioner falls in the category of commercial and he is also a previous convict under the Narcotic Drugs and Psychotropic Substances, Act, 1985.

Dismissed.

However, keeping in view his custody period, learned trial court is requested to make sincere endeavours for conclusion of the trial expeditiously.

All pending miscellaneous applications, if any, also stand disposed of.

28.06.2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No