

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

CRM-M-20258-2021(O&M)

Date of decision:-28.7.2021

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.S. Mor, Advocate
for the petitioner.

Mr.Karan Garg, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner – Jaspal Singh @ Jassa – an accused in FIR No.85 dated 24.3.2021, under Section 15 of NDPS Act, 1985, registered with Police Station Nissing, District Karnal.

Briefly stated, the facts of the case as per prosecution story are that on 24.3.2021 when apprehended by the police party from Police Station Nissing headed by SI Subhash Chand, petitioner/accused Jaspal Singh @ Jassa was found in possession of 3 kgs. 500 gms. of poppy-husk. The search of the petitioner/accused had been conducted in presence of a gazetted officer. The recovered contraband was taken into possession after drawing samples therefrom. After registration of the FIR, the investigation in the case had started. The petitioner had approached the Court of Sessions at Karnal by filing an application for regular bail, which was

assigned to learned Additional Sessions Judge, Karnal, who dismissed the same vide order dated 10.5.2021, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Though the recovery of contraband effected from the petitioner is not on very high side but the fact to be noticed is that he is involved in three more criminal cases as per the details as under:

- (i) FIR No.212 dated 24.8.2003, under Section 15 of NDPS Act, Police Station Nissing.
- (ii) FIR No.33 dated 13.2.2007, under Sections 323, 325 IPC, Police Station Nissing.
- (iii) FIR No.296 dated 6.6.2011, under Section 15 of NDPS Act, Police Station Nissing.

In abovesaid two cases under NDPS Act, the petitioner has been convicted and sentenced that clearly goes to show that he has got a criminal bent of mind. The apprehension expressed by the State counsel that if granted bail to the petitioner, there is likelihood of his absconding and tampering with the prosecution evidence by giving threats and inducement to the prosecution witnesses cannot be brushed aside lightly.

Although according to the learned counsel for the petitioner, the contraband recovered in FIR No.212 dated 24.8.2003 and in FIR

No.296 dated 6.6.2011 was also of small quantity but the registration of those FIRs and conviction of petitioner in those cases clearly goes to show that the petitioner had been indulging in drug peddling. The quantity of contraband recovered though requires to be taken into consideration but the main thing is the nature of recovery effected from the petitioner. Therefore, the past criminal record of petitioner clearly points out that he is a habitual criminal and if granted concession of bail, there is every possibility of petitioner taking to the path of crime again and indulging in drug peddling. His guilt would be determined during the trial. The petitioner may take any plea with regard to his innocence before the trial Court where challan is said to have been filed and trial is going on.

Therefore, finding no merit in the petition, the same stands dismissed.

28.7.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No