

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

206

CRM-M No.24613 of 2021
Date of decision:01.10.2021

Balwinder Singh @ Bali

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

SUVIR SEHGAL J.

Heard through video conferencing.

This is the third petition preferred by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case bearing FIR No.05 dated 15.01.2020 registered under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short - "the Act") at Police Station Jakhal, District Fatehabad.

As per the version of the prosecution, during routine patrolling, a young boy holding a white polythene bag was stopped on suspicion and was found to be carrying 15 bottles of *wincirex* of 100 ml. each. On enquiry, he has disclosed his name as Balwinder Singh @ Bali (present petitioner).

Counsel for the parties have been heard.

Petitioner has been apprehended with prohibited substance, which was found to be codeine weighing 1.815 kg and falls within the

ambit of commercial quantity as per the notification issued under the provisions of the Act. The bar as contained under Section 37 of the Act is applicable and the petitioner is not entitled to the concession of bail even though he has undergone a custody of more than 01 year and 08 months.

First petition filed by the petitioner was withdrawn, after arguments vide order dated 31.07.2020, Annexure P-2, and the second was withdrawn on 24.02.2021, Annexure P-3. Present petition has been preferred within a few months of the dismissal of the earlier petitions. Without there being any change in the circumstances, the instant petition is not maintainable as has been held by the Hon'ble Supreme Court in **Hari Singh Mann Vs. Harbhajan Singh Bajwa (2001) 1 SCC 169; State of Madhya Pradesh Vs. Kajad, 2001 SCC (Criminal) 1520 and State of Maharashtra Vs. Capt.Buddhikota Subha Rao 1989 Supl. (2) SCC 605.**

Petition being bereft of any merit, is ordered to be dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.10.2021

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No