

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

215

**CRM-M-28295 of 2021 (O&M)
Date of decision:29.11.2021**

Kuldeep alias Sulli

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karan Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.40394 of 2021

Prayer in the application is for placing on record the order dated 28.08.2018 passed by the learned Additional Sessions Judge, Gurugram and order dated 19.10.2021 passed by JMIC, Pataudi as Annexures P-5 and P-6, respectively.

Application is allowed, as prayed for.

Annexures P-5 and P-6 are taken on record.

CRM-M-28295 of 2021

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in case FIR No.249 dated 26.06.2020 registered under Section 20 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) at

Police Station Sector-10, District Gurugram (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered when on a raid conducted by the police, 112 kilograms of *ganja patti*, was recovered from the shop of the petitioner and he was arrested on the spot.

Counsel for the petitioner submits that the petitioner had earlier filed CRM-M-39060 of 2020 which was permitted to be withdrawn after arguments on 05.04.2021 and on the same day, the second petition (CRM-M-10013 of 2021) was permitted to be withdrawn as it had been inadvertently filed. Counsel contends that though the recovery effected from the petitioner falls within the ambit of commercial quantity but the petitioner is in custody since 26.06.2020 and the trial is yet to commence. By referring to orders, Annexures P-5 and P-6, he submits that though the petitioner is involved in two other cases registered against him under the NDPS Act, but he is on bail in both cases.

Per contra, upon instructions from ASI Anil, State counsel has opposed the petition and submitted that antecedents of the petitioner do not warrant grant of bail to him. As per her instructions, challan has been presented on 10.09.2020, charge has been framed on 13.01.2021, though out of total 16 prosecution witnesses, none has been examined so far.

Counsel for the parties have been heard.

The contraband recovered from the petitioner falls within the ambit of commercial quantity as per the notification issued under the NDPS Act. The earlier petitions preferred by the petitioner seeking regular bail

were dismissed, after arguments, on 05.04.2021. Counsel for the petitioner has not been able to point out any change in the circumstances, which will entail the entertainment of the present petition. Filing of subsequent petition, would amount seeking review of the earlier order passed by this Court, which is not permissible in criminal law. Even the antecedents of the petitioner do not permit the grant of concession of bail as he is involved in two other cases registered against him, under the NDPS Act, even though he is on bail.

There is no merit in the petition, which is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merit of the case.

(SUVIR SEHGAL) JUDGE November 29, 2021 savita	
<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>