

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-30763-2020 (O&M)
Date of Decision : June 17, 2021

Pawan Sharma

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Passi, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-8180-2021

Present application has been filed for placing on record the copy of charge-sheet as Annexure P-2.

Keeping in view the averments made in the application, the same is allowed and copy of charge-sheet as Annexure P-2 is permitted to be taken on record.

CRM-M-30763-2020

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.52 dated 04.07.2020, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station S.G.N Dev Thermal Plant, District Bhatinda, Punjab.

Learned counsel for the petitioner argues that though the recovery of huge quantity of the contraband has been done from the co-accused but the petitioner has only been nominated on the basis of the

disclosure statement of the co-accused and has nothing to do with the contraband, which has been recovered from the co-accused. Learned counsel for the petitioner submits that as no recovery has been done from the petitioner and the challan has been submitted, the petitioner be granted the benefit of regular bail.

Learned counsel for the respondent-State submits that in the present case, 30,000 intoxicant tablets were recovered from the co-accused, which contraband was purchased from the petitioner by the co-accused. Learned counsel further submits that this is not the first case where the petitioner has been made accused in case of the violation of the NDPS Act. An FIR No.81 dated 29.04.2017 has also been registered against the petitioner wherein, the petitioner is on anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, a huge quantity of 30,000 intoxicant tablets have been recovered, which if distributed could have caused a great danger to the society at large. Nothing has come on record as to why, the petitioner will be falsely nominated by the co-accused from whom the huge recovery has been done. Nothing inimical has pointed out by the learned counsel for the petitioner before this Court that the co-accused will name the petitioner out of animosity.

Though the petitioner is on bail in another FIR, where the petitioner is facing trial but petitioner allegedly has again indulged in the same activities for which the present FIR has been registered.

In the present case, a huge quantity, which is much more than the commercial quantity, has been recovered from the co-accused, which is

stated to have been purchased from the petitioner.

At this stage, this Court cannot form an opinion that the petitioner is innocent and secondly, the petitioner allegedly repeated the offence by violating the NDPS Act even while on bail. This shows the conduct of the petitioner that he is habitual offender.

Keeping in view the facts and circumstances of the present case, no ground is made out to grant the benefit of regular bail to the petitioner.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

June 17, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No