

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

CRM-M-36580-2021 (O&M)

Date of decision: 13.09.2021

Sourav Kumar

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Yashpal Thakur, Advocate for the petitioner

Mr. Hitten Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is second petition for grant of bail to the petitioner pending trial in a criminal case arising from FIR 13 dated 03.03.2019 registered under Section 22, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mulepur, District Fatehgarh Sahib, Punjab.

The first petition filed by the petitioner for grant of bail was dismissed on 03.11.2020, with the following order:-

“The petitioner prays for bail pending trial in a criminal case arising from FIR No.13, dated 03.03.2019, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mulepur, Police District Fatehgarh Sahib.

As per case of the prosecution, a Swift Car, with three occupants, was intercepted which led to recovery of 19500 intoxicating tablets alongwith Rs.80,000/- in cash. The alleged recovery falls under the category of commercial quantity.

Learned counsel for the petitioner contends that the petitioner was merely a gratuitous passenger as he was neither the driver nor the owner of the car. He further

submits that the petitioner is a person of clean antecedents.

On the other hand, Mr. Luvinder Sofat, AAG, Punjab, has contended that the trial of the case has already made substantial progress as deposition of 14 prosecution witnesses has been recorded.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioner. Hence, the present petition is dismissed. However, learned trial Court is requested to expedite the trial of the case.”

Learned counsel representing the petitioner draws the attention of the Court to the order passed in CRM-M-38414-2020 on 11.01.2021 (Pankaj Kumar vs. State of Punjab) and contends that the co-accused has been granted concession of bail.

From the careful reading of the order, it is evident that the Court noticed the medical status report of Pankaj Kumar (petitioner therein). Besides, in the present case, the alleged recovery from the petitioner is huge.

Keeping in view the aforesaid facts, no fresh ground for the grant of bail is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

13.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE