

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRM-M-37389-2020
Date of decision : 04.10.2021

Mohinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.K.S., Phoolka, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the respondent-State.

SUVIR SEHGAL, J. (ORAL)

Heard through Video Conferencing.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, seeking grant of regular bail in FIR No.99 dated 02.06.2019 (Annexure P-1), registered for offence under Section 15 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short "NDPS, Act"), at Police Station Canal Colony, Bathinda, District Bathinda.

As per the case of the prosecution, secret information was received that two persons were transporting puppy husk from Madhya Pradesh in a trailer truck. A truck bearing No.PB-04AA-3491 was intercepted on the Dabwali road and 125 kgs of puppy husk, which was concealed under onion bags, was recovered. The driver of the truck disclosed his name as Mohinder Singh (present petitioner) and his co-passenger mentioned his name as Balwinder Singh, who was also found to be the owner of the vehicle.

Counsel for the parties have been heard.

The quantity recovered from the vehicle falls within the ambit of commercial quantity as provided in the notification issued under the provisions of the NDPS Act and the rigor of Section 37(1)(b) of the NDPS Act is attracted. The twin conditions laid down in the provision, are not satisfied and bail cannot be granted. The recovery has been effected from the vehicle being driven by the petitioner, who has been involved in a number of cases under the NDPS Act, which fact, he has not disclosed in the petition.

Custody Certificate dated 02.10.2021 has been filed by the State counsel through e-mail. Upon instructions from Head Constable – Lakhbir Singh, State counsel has informed that the petitioner is named as an accused in the following cases, besides the present FIR:-

(1) "FIR No.47 dated 19.05.2011, registered for offence under Section 15 of NDPS Act, at Police Station Tharmal, Bathinda;

(2) FIR No.51 dated 15.03.2010, registered for offence under Section 15 of NDPS Act, at Police Station Sadar Dabwali, District Sirsa;

(3) FIR No.196 dated 22.08.2008, registered for offence under Section 15 of NDPS Act, at Police Station Sadar Dabwali;

(4) FIR No.33 dated 20.03.2005, registered for offence under Section 15 of NDPS Act, at Police

Station Sangat, Bathinda;

*(5) FIR No.225 dated 30.12.2005, registered for
offence under Section 15 NDPS Act, at Police
Station Jaito, District Faridkot;*

*(6) FIR No.32 dated 23.03.2004, registered for
offence under Section 15 of NDPS Act, at Police
Station Rama, District Bathinda.”*

The petitioner has, however, failed to disclose his criminal antecedents in the petition. Rather, he has made a categorical assertion in para 17 of the petition that “no other case of NDPS Act pending against the petitioner, except the present one”. The petitioner has tried to mislead this Court and has approached the Court with tainted hands. A person, who tries to hoodwink the Court, is not entitled to grant of any relief.

Petition is accordingly dismissed.

It is clarified that nothing said herein above shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.10.2021
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes