

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47936-2021

DATE OF DECISION: NOVEMBER 22, 2021

NIRBHAI SINGH @ SONI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.P.S. KHAIRA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.148 dated 21.12.2020, under Section 22, NDPS Act, Police Station Doraha, Police District Khanna who is in custody since his arrest on 21.12.2020.

The FIR was registered on dated 21.12.2020, on the statement of ASI Sukhvir Singh with the allegations that when he alongwith other police officials was present at service road in front of Punjab for checking, at about 4.05 p.m., one clean shaven person with a backpack on his shoulder was seen coming from Kaddon Chowk, who after seeing the police party got perplexed and turned towards uninhabited place. On suspicion, he was stopped, who on asking disclosed his identity as Nirbhai Singh @ Soni and upon search of the backpack, 3480 intoxicant tablets were recovered. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner, and as the investigation of the case is

complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Satpal Singh has opposed the aforesaid prayer on the ground that the petitioner was arrested on the spot and the quantity of contraband recovered was commercial in nature. He further submits that the petitioner is also involved in another crime of similar nature, therefore, he does not deserve the concession of bail. In this regard, he has produced the custody certificate of the petitioner.

A perusal of the custody certificate filed by learned State counsel shows that the petitioner was released on interim bail on 10.3.2021 in the above FIR, but on 25.3.2021, he allegedly committed another crime of similar nature and FIR No.37 dated 25.3.2021, under Section 22C/61/85 NDPS Act, Police Station Bassi Pathana, District Fatehgarh Sahib, was registered against him. This shows that the petitioner has repeated the crime and misused the concession of interim bail.

Keeping in view the nature of offence and the conduct of the petitioner, no ground is made out to grant regular bail to the petitioner.

Petition is dismissed.

November 22, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No