

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9742-2022

Date of Decision: 26.04.2022

RUPINDER SINGH @ RUPA
V/S
STATE OF PUNJAB

... PETITIONER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 83 dated 14.12.2018 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act was added vide rapat No. 29 and Section 27-A added later on) at Police Station Sadar Abohar, District Fazilka.

Briefly, the allegations as putforth in the FIR are to the effect that the petitioner along with Jaswant Singh and Sandeep Singh were travelling in a car bearing registration No. PB-22F-1786. The car was being driven by the petitioner and the two co-accused were travelling therein. The car was signalled to stop. The petitioner managed to slip away. Jaswant Singh and Sandeep Singh co-accused were apprehended and 1 Kg of heroin was recovered from the car.

It has been mainly contended by learned counsel for the petitioner that similarly placed co-accused namely Sandeep Singh @ Sonu and Jaswant Singh @ Jassa have been granted bail by this Court. The

31332-2020 which was dismissed on 04.01.2021. The petitioner had assailed the order in the Hon'ble Supreme Court of India and the SLP has been dismissed vide order dated 26.03.2021.

It has been argued that the statement of the Investigating Officer has been recorded and on account of change of circumstances, the present application has been moved.

On the contrary, the bail application has been opposed by the learned State counsel on the ground that the petitioner managed to run away from the spot, he is the driver and owner of the vehicle in which the contraband was being carried, he was identified by ASI Somnath at the spot and furthermore, the petitioner had committed the offence while he was on bail in another case bearing FIR No. 38 of 24.5.2018 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, Police Station Khuian Sarwer.

Earlier, the application for bail preferred by the petitioner was dismissed in terms of order dated 04.01.2021 by making following observations:-

“In the case in hand, 1 Kg of heroin has been recovered from the car which was being driven and owned by the petitioner. Furthermore, the petitioner has been specifically and categorically identified by ASI Somnath at the spot. The case of the petitioner cannot be termed to be at par with the co-accused who have been granted bail as the petitioner is the owner and driver of the vehicle in which the contraband was being carried and furthermore, the offence was committed while he was on bail in another case under NDPS Act.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.”

The petitioner has also unsuccessfully assailed the aforesaid

order in the Hon'ble Supreme Court of India. Merely because the Investigating Officer has been examined cannot be termed to be a significant change of circumstance to extend the concession of bail to the petitioner particularly, because he is the owner and driver of the vehicle which was used to carry one Kg of heroin and furthermore, the offence was committed while he was on bail in another case under NDPS Act.

Dismissed.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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