

CRM-M-6381-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6381-2022
Reserved on: 21.02.2022
Pronounced on 03.03.2022

Prince ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinay Kumar, Advocate for the petitioner.

Mr. Rehatbir Singh Mann, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
8	26.07.2020	State Special Operation, District Amritsar	25 of Arms Act and 27-A & 29 of NDPS Act

1. The petitioner, incarcerated upon his arrest has come up for seeking bail before this Court under Section 439 CrPC, for allegedly possessing a commercial quantity of heroin, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
2. In paragraph 11 of the petition, it is declared that the accused is not involved in any other case of NDPS Act.
3. Ld. Counsel for the petitioner contends that the co-accused have been granted bail and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. While opposing the bail, the contention on behalf of the State is that drug menace is increasing every day.

REASONING:

5. Although the co-accused have been granted bail but the gun was recovered from the petitioner and keeping in view his serious involvement, the accused cannot claim bail on the grounds of parity and he has to make out case for bail on its own merits.
6. The allegations in the case are serious and the offence heinous. To decide the bail

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petition on merits would require this Court to peruse the evidence collected by the prosecution. The petitioner has neither annexed the copy of the police report filed under Section 173(2) CrPC, nor does he say that the Trial Court did not supply the same to him under S. 207 CrPC. There is no ground pleaded or explanation offered regarding reasons that constrained the petitioner from annexing those while filing the petition. Had the accused not received the documents in compliance with S. 207 CrPC, this Court would have certainly asked the respondent to produce the same. However, the petitioner does not claim the non-receipt of the challan. The accused receives copies of the Police report and the copies of the statements of witnesses free of cost. Thus, the Court cannot decide the bail petition.

7. Given above, In the facts and circumstances peculiar to this case, the petition is closed. **However, the petitioner shall be at liberty to file a new petition on the same cause of action by annexing a copy of the police report and all necessary documents.**

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)

JUDGE

March 03, 2022

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Whether speaking/reasoned: Yes

Whether reportable: No.