

223

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-8279-2022

Date of Decision: 04.03.2022

Mohit @ DP @ Mohit Kukreja

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anuradha, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (ORAL)

This is the 2nd petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.63, dated 04.06.2021 under Sections 22 & 25 of the NDPS Act, 1985 (Section 29 of the NDPS added later on), registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner has submitted that the present petition is the second bail petition filed by the petitioner and the earlier bail petition was dismissed by this Court vide CRM-M-41889-2021 on 12.11.2021. She also submitted that in view of the further custody of the petitioner and the fact that investigation of the present case is complete and Challan has been presented, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned State counsel has submitted that although after the dismissal of the earlier bail petition, the Challan has now been presented but there is no change of circumstance so as to entitle the petitioner for grant of regular bail once the earlier bail petition was dismissed by way of a detailed order passed by this Court and the prayer is also hit by the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

The petitioner had earlier also filed bail petition along with another co-accused in CRM-M-41889-2021 and this Court vide passing a detailed order had dismissed the bail petition. Presentation of Challan itself would not become a ground for filing a successive bail application after a period of just two months especially in view of the fact that the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act. The petitioner has not been able to make out any ground for seeking a departure from the bar contained under Section 37 of the NDPS Act. Consequently, the present second bail petition is devoid of merits and the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |