

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

227

CRM-M-13151-2021 (O&M)

Date of decision: 17.08.2022

SUSHIL @ KALU

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. LS Sekhon, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.493 dated 17.12.2020, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 15 and 27-A of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the alleged recovery effected in the present case is of a non-commercial quantity and thus, the bar under Section 37 of the NDPS Act, is not attracted and that the petitioner has been in custody since 21.12.2020.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, submits that from the petitioner and his accomplice, 42kg 200 grams of Kacha Doda Post (poppy straw) was recovered. He further submits that the petitioner is a

habitual offender with criminal antecedents, inasmuch as, 04 more FIRs, three of similar nature and one under IPC, are registered and/or pending against him.

While controverting the aforesaid submissions made by the learned State counsel, learned counsel for the petitioner submits that in three NDPS cases, the recovery effected was of non-commercial quantity and the petitioner is on bail in the said cases and in the other case under IPC, the petitioner stands convicted.

I have heard the learned counsel for the parties.

The allegations against the petitioner are specific, direct and serious in nature as the recovery was effected from the petitioner and his accomplice. As noticed above, pendency of 04 more FIRs, three of similar nature, speaks volumes about the conduct of the petitioner, who is a habitual offender. Above all, the petitioner stands convicted in one case. Therefore, possibility of the petitioner, indulging himself in similar crime, if enlarged on bail, cannot be ruled out.

In view of the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

17.08.2022

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No