

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

CRM-M-15215 OF 2021

DATE OF DECISION: 20.01.2022

Gurmeet @ Meeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. V.B. Godara, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.101 dated 16.03.2020 registered under Sections 21(b)/27-A of the NDPS Act, at Police Station Sadar, Fatehabad.

2. Per FIR, on 16.03.2020, SI Mahabir Singh along with fellow police officials saw a young person walking and on seeing the police party, he turned back swiftly. He was apprehended and disclosed his name as Gurmeet @ Meeta. Upon suspicion of having some contraband in his possession, notice under Section 50 of NDPS Act, was served upon him by the Investigating Officer and accordingly, Shri Subhash Chander, Deputy Superintendent of Police, Head Quarter Fatehabad was informed who reached the spot. Thereafter, search of the accused was conducted and one pouch containing 10.70 grams of heroin was recovered from the

right pocket of his jeans. The same was converted into parcel which was sealed. Separate seizure memo was prepared. FIR was registered and upon interrogation, he disclosed that he purchased 11 grams of heroin from Raju @ Jaswinder for a sum of Rs.11,000/-. The said co-accused Raju @ Jaswinder was also arrested. After completion of investigation, challan against the accused was presented in Court.

3. Learned counsel for the petitioner submits that petitioner is in custody since 17.03.2020. The quantity recovered is non-commercial in nature and therefore, rigors of Section 37 of NDPS Act would not be attracted. He further argues that the alleged recovery from the petitioner has been planted upon him as the petitioner has been falsely implicated in the present case. In any case, whatever was to be recovered, has already been done and there is nothing more to be recovered from the petitioner.

4. He also argues that no independent witness was joined. It is further contended that investigation in the case is complete and challan has been presented, conclusion of trial will take long time.

5. Learned counsel for the petitioner also argues that petitioner is entitled to regular bail on the basis of parity also, as co-accused Raju @ Jaswinder has already been granted the concession of regular bail vide order dated 09.03.2021 passed in CRM-M-3393 of 2021.

6. Per contra, learned State counsel opposes the bail plea and argues that petitioner is a habitual offender. He is involved in 09 other different kind of criminal cases.

7. I have heard the rival contentions of the respective learned counsels.

8. No doubt, the contraband recovered is though non-commercial in nature, but the petitioner is/was also involved in 09 other

cases including 04 under NDPS Act. The allegations against the petitioner are more serious than co-accused Raju @ Jaswinder, who has, in any case, been implicated on the basis of a disclosure statement. It seems that petitioner, each time, very smartly keeps only non-commercial quantity in his possession in order to have an *alibi* that he is not indulging in any commercial activity.

9. Considering the overall scenario, I do not deem it a fit case to grant the concession of regular bail to the petitioner, at this stage of trial. The instant petition is dismissed accordingly.

JANAURY 20, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No