

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-19302 of 2022
Date of decision:26.08.2022

Lakhwinder Singh @ Lakha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Ms. Kanica Sachdeva, AAG, Punjab.

SUVIR SEHGAL J.

This is the fourth petition preferred by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of regular bail in FIR No.214 dated 25.09.2019 lodged for offence under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

Version of the prosecution is that two persons, who were identified as Lakhwinder Singh, present petitioner and Gurlal @ Gora Singh, were intercepted by a police party on suspicion and recovery of 196 strips containing 10 tablets each of Tramadol Hydrochloride was effected from them.

Heard counsel for the parties.

The quantity of contraband recovered from the petitioner works

out 804 grams of Tramadol which falls within the ambit of commercial quantity as per the notification issued under the NDPS Act. The petitioner is involved in four other criminal cases. The details of which are as under:-

- i) FIR No.9 dated 15.09.2017 under Sections 379, 411 IPC at Police Station Kot Fatta, District Bathinda;
- ii) FIR No.241 dated 24.10.2017 under Section 15 of the NDPS Act at Police Station Lambi, District Sri Muktsar Sahib;
- iii) FIR No.193 dated 25.08.2018 under Section 15 of the NDPS Act, at Police Station Lambi, District Sri Muktsar Sahib; and
- iv) FIR No.125 dated 20.07.2018 under Section 15 of the NDPS Act, at Police Station Canal Colony, District Bathinda.

Even though the petitioner has claimed that he is on bail in all the above four cases, that alone would not help him. The petitioner not only has criminal antecedents and is involved in three more cases under the NDPS Act, but the rigour of Section 37 of the NDPS Act would also be attracted and the petitioner is not entitled to be released on bail. Still further, it deserves to be noticed that previous petition filed by the petitioner was dismissed by this Court on 08.10.2021, wherein, it was observed that the petitioner cannot draw parity with the co-accused as unlike the petitioner, co-accused has clean antecedents.

Filing of repeated petitions seeking grant of bail without there being any change in the circumstances amounts to seeking review of the previous judgment, which is not permissible in criminal law.

Petition is sans merit and is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 26, 2022
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>