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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17176 of 2022 (O&M)

Date of decision: 02.05.2022

Jatinder Kumar @ Golu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjunveer Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

On 09.03.2022, the 1st petition of the petitioner i.e. CRM-M No.9372 of 2021, was dismissed by this Court, by passing the following order:-

“Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.81 dated 10.11.2020, for offence punishable under Sections 21/29 of the NDPS Act. registered at Police Station Aur, District S.B.S. Nagar.

It is argued on behalf of the petitioner that the FIR was registered at the instance of ASI Surinder Singh, stating that while on a petrol duty, the petitioner Jatinder Kumar @ Golu and Satvir were apprehended and on suspicion, a Gazetted Officer i.e. the Deputy Superintendent of Police, Sub-Division Nawanshahr, District S.B.S. Nagar, was called at the spot and on reaching the spot, he gave a notice under Section 50 of the NDPS Act, to be searched before a Gazetted Officer or a Magistrate. Thereafter, both the accused repose confidence on him and by conducting a search, 260 gms of Heroin was recovered from the dashboard of the car.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Nawanshahr, District S.B.S. Nagar, is on record and as per the reply, after verifying the facts in the FIR and the investigation conducted, so far it is stated that as per the FSL report, 260 gms of Heroin was found. It is also stated that the petitioner is a habitual offender and is involved in the following other FIRs:-

Sr. No.	Details of FIRs	Recovery	Status
1.	FIR No.125 dated 30.11.2014 U/s 21/61/85 NDPS Act, P.S. Balachaur	5 Gram Heroin	Convicted on 23.12.2015 by Ms. Neelam Arora, ASJ, S.B.S. Nagar
2.	FIR No.14 dated 26.01.2018 U/s 21/22/61/85 NDPS Act, P.S. Rahon	20 Gram Intoxicant Powder	Under Trial
3.	FIR No.84 dated 07.07.2018 U/s 21/22/61/85 NDPS Act, P.S. Rahon	10 Injections Buprenorphine	Acquitted on 05.09.2019 by Sh. Randhir Verma, Judge (Special Court) S.B.S. Nagar

Counsel for the State has further submitted that in FIR No.125 dated 30.11.2014, the petitioner already stands convicted in a case registered under the NDPS Act and in FIR No.14 dated 26.01.2018, he is under-trial in a case registered under the NDPS Act.”

The present petition has been filed within a period of 1½ months, without there being any change in circumstances.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No