

CRM-M-19733 of 2022

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

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CRM-M-19733 of 2022

Date of decision:30.08.2022

Rajwinder Singh alias Raju

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sumeet Pal Singh Khaira, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL, J.

This is the sixth petition filed under Section 439 Cr.P.C, for grant of regular bail to the petitioner in case FIR No.09 dated 25.01.2020 registered under Sections 21, 22, 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Sidhwan Bet, District Ludhiana (Rural) (Annexure P-1).

As per the case of prosecution, FIR (Annexure P-1) has been registered after a motorcycle with three riders was intercepted at night on the basis of suspicion and recovery of 300 grams of intoxicating substance (alphrazolam) and 50 grams of heroin was effected from Rajwinder Singh alias Raju (present petitioner).

Heard counsel for the petitioner.

Besides the petitioner, other two riders on the motorcycle were Paramjit Singh alias Pamma and Rachpal Singh @ Palli. No recovery has been effected from both the co-accused and they have been released on

regular bail by this Court, vide orders dated 17.08.2020 and 01.10.2020 passed in CRM-M-18295 of 2020 and CRM-M-13309 of 2020, respectively. Therefore, the petitioner cannot claim any parity with the co-accused. Besides this, petitioner has criminal antecedents and his previous petition was withdrawn on 10.02.2022 and this Court made the following observations:-

“When confronted with the fact that the previous petition was withdrawn on 15.11.2021 and that the petitioner is involved in two other criminal cases, out of which one is under the NDPS Act, in which he has been convicted, counsel for the petitioner has sought and is granted permission to withdraw the petition.

Dismissed as withdrawn.”

Contraband recovered from the petitioner falls within the ambit of commercial quantity. Petitioner has a criminal past and is involved in two other cases under the NDPS Act. Concession of regular bail cannot be granted to the petitioner, in view of the bar under Section 37 of the NDPS Act.

There is no merit in the petition which is hereby dismissed.

It is clarified that anything said hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 30, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes