

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

210

CRM-M-21875-2021

Date of Decision : **March 07, 2022**

PAWAN KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. B.S.Mamli, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.32 dated 27.2.2021 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhattu Kalan, District Fatehabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 27.2.2021 and the allegation against him was that there was a recovery of 20.15 grams of Heroin which does not fall in the category of commercial quantity. He has further submitted that the investigation of the case is already complete and the challan has been presented before the competent Court and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that the status report by way of affidavit of DSP (Traffic), Fatehabad has

been filed and while referring to the same, he submitted that in the present case the petitioner is habitual in doing the business of Heroin and other such like substances and also deals with illicit liquor and he is involved in a number of cases. He referred to para No.10 of the affidavit and submitted that the petitioner is involved in 30 cases and out of these 30 cases, he has been convicted in 23 cases although the same pertains to the Excise Act and IPC. He has further submitted that the petitioner has been acquitted in five cases under the Excise Act and in two cases he is undertrial out of which one pertains to Excise Act and other pertains to NDPS Act bearing FIR No. 267 dated 30.11.2018 under Section 21(A)/61/85 of NDPS Act. He while referring to para No.11 has submitted that the aforesaid Heroin of 20.15 grams alongwith an amount of Rs.27,000/- was recovered from his conscious possession. He submitted that there is every likelihood that in case the petitioner is released on bail then he may indulge in criminal activities of drug peddling and may also influence and threaten the prosecution witnesses and, therefore, has opposed the grant of regular bail to the petitioner.

I have heard the learned counsels for the parties.

Although the petitioner is in custody from 27.2.2021 and the investigation of the case is already complete and challan has also been presented but considering the antecedents of the petitioner where he is involved in as much as 30 cases and out of those cases, he is undertrial in two cases and one of the case pertains to NDPS Act. He has also been convicted in 23 cases under the Excise Act. The argument raised by the learned State counsel that in case the petitioner is released on bail then

there is every likelihood that he may repeat the offence and may indulge in criminal activities of drug peddling does carry weight.

Therefore, considering the totality of the facts and circumstances of the present case, I do not deem it fit to grant the concession of regular bail to the petitioner.

Consequently, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No