

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-26237 of 2021
Date of decision:19.07.2022

Sarabjit @ Sabi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dinesh Nagar, Advocate for
Mr. Narinder S.Lucky, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.140 dated 11.07.2017, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Goraya, District Jalandhar Rural (Annexure P-1).

As per the version of the prosecution, petitioner was apprehended on suspicion and 300 grams of intoxicating substance, which on analysis was found to be alprazolam, was recovered from his person.

Counsel for the petitioner has urged that the petitioner, who is in custody since 14.07.2017 deserves to be released on bail as the trial is not likely to conclude in the near future.

Prayer has been opposed by the State counsel by filing custody certificate dated 18.07.2022, which is taken on record.

Heard counsel for the parties.

As per the custody certificate, petitioner is involved in 03 other criminal cases, all of which have been registered against him, under the NDPS Act. The petitioner has been convicted under Section 15 of the NDPS Act in FIR No.75 dated 05.08.2012. Record shows that he was granted interim bail in November, 2017 on account of the fact that FSL report was awaited. However, he misused the concession and absconded. The petitioner was declared as Proclaimed Offender by the Trial Court on 26.02.2018 and was re-arrested on 15.03.2020. In the interregnum, another criminal case, FIR No.43 dated 13.09.2019 has been registered against him for offence under Section 22 of NDPS Act at Police Station Makandpur. The above fact shows that the petitioner is a habitual offender and a drug peddler. Mere long pendency of the trial will not advance the case of the petitioner. There is substance in the apprehension expressed by the State that in case the petitioner is released on bail, he will abscond or indulge in the same activity.

The first petition (CRM-M-19129 of 2020) preferred by the petitioner was dismissed by this Court by a detailed order passed on 19.11.2020 *inter alia* on the ground that he had not approached the Court with clean hands and had suppressed his criminal antecedents.

Contraband recovered from the petitioner falls within the ambit of commercial quantity and the bar as laid down under Section 37 of the

NDPS Act comes into operation. In these circumstances, this Court is of the view that the petitioner does not deserve to be enlarged on bail during pendency of the trial.

Petition lacks 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.

July 19, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes