

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26203-2021 (O&M)

Date of Decision: 04.03.2022

Mohinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajat Dogra, Advocate, for
Mr. S.P.S. Sidhu, Advocate, for the petitioner.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab

Through Video Conferencing

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 FIR No. 41 dated 21.02.2021 under Section 15 of NDPS Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

The learned counsel for the petitioner has submitted that in the present case the allegations against the petitioner and other co-accused are that on the basis of a secret information, there was a recovery of 60 kgs of poppy husk from the house of the petitioner. He further submitted that the petitioner is in custody for the last more than one year and the son of the petitioner has some medical difficulty and is required to be treated at PGI, Chandigarh and, therefore, he may be considered for the grant of regular

bail. On the other hand, Mr. C.L. Pawar, learned Senior Deputy Advocate General, Punjab has submitted that the petitioner was earlier also convicted in a case pertaining to NDPS Act which pertained to recovery of 65 kgs of poppy husk and while he was on parole in that case, the present offence was committed by him and since the present quantity of 60 kgs of poppy husk falls under the category of commercial quantity, the petitioner is not entitled for bail in view of the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsels for the parties.

Although the petitioner is in custody for the last more than one year but as per the facts and circumstances of the present case, the petitioner was earlier also convicted for possession 65 kgs of poppy husk and as per the learned State counsel the present offence was committed by him while he was parole in that case. There is no ground available with the petitioner to make a departure from the bar contained under Section 37 of the NDPS Act. So far as the argument raised by learned counsel for the petitioner with regard to the treatment of the son of the petitioner from the PGI, Chandigarh, there is no document on record to show that the son of the petitioner requires any medical attention.

In view of the aforesaid facts and circumstances of the case, no ground is made out for the grant of regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

04.03.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

: Yes/No

Whether reportable

: Yes/No