

CRM-M-26951-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26951-2022

Date of decision:29.11.2022

Mohit

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ojas Bansal, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.88 dated 14.03.2022, registered at Police Station Asaudha, District Jhajjar, under Section 21 NDPS Act, 1985.

Reply dated 22.11.2022, by way of affidavit of the Additional Superintendent of Police, Badli, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that recovery of 48 gram of heroin allegedly effected from the petitioner, falls under 'non-commercial quantity', and that the petitioner has been in custody since 14.03.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner is a habitual offender and that there are as many as four other cases registered or pending against him, which are as under:

CRM-M-26951-2022

1. FIR No.354 dated 15.07.2013, under Prevention of Cruelty to Animal Act, 1960, Police Station Sadar Fatehabad.
2. FIR No.26 dated 10.08.2018, under Public Gambling Act, Police Station City Sirsa.
3. FIR No.133 dated 29.06.2020, under Section 21 NDPS Act, Police Station Ding, District Sirsa.
4. FIR No.464 dated 04.08.2021, under Section 21 NDPS Act, Police Station City Sirsa.

I have heard the learned counsel for the parties.

Indisputably, the extent of contraband recovered from the petitioner, falls under 'non-commercial quantity' and the petitioner has been in custody since 14.03.2022, but the fact remains that the petitioner is a habitual offender and he is involved in four other cases, including two cases under the NDPS Act.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the criminal antecedents are also to be weighed. The discretionary power while granting bail is to be exercised in a judicious manner in case of a habitual offender. The factum of involvement of the petitioner in two other cases of similar nature, by no stretch of imagination, can be regarded as jejune.

Considering the same, at this stage, no justifiable ground is made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

29.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No