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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.30986 of 2021 (O&M)

Date of decision: 10.01.2022

Gursant Singh @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tejinderbir Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.289 dated 22.12.2004 registered under Sections 15/61/85 of the NDPS Act and Sections 471, 411, 279 IPC, at Police Station Patran, District Patiala.

Counsel for the petitioner has argued that the recovery effected from the petitioner is shown to be of 08 bags each containing 35 Kgs of poppy husk, however, the petitioner was granted the concession of regular bail in the year 2005 and he was declared as proclaimed offender on 22.12.2008 and was arrested on 18.06.2020, after a long span of 12 years.

Counsel for the State, on the basis of the Custody Certificate, has however, opposed the prayer for bail on the ground that though the petitioner is in custody for the last about 01 year and 06 months, however in the intervening period, the petitioner is found involved in another case registered under the NDPS Act at Police

HEARD THROUGH VIDEO CONFERENCING

Station Islamabad, Amritsar, as well as in FIR No.23 dated 08.05.2020 under Sections 10/11/13/17/18/21 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station National Investigation Agency, New Delhi.

Counsel for the State has further submitted that before the arrest of the petitioner, he has committed an offence in the aforesaid 02 cases and therefore, being a habitual offence, he should not be granted the concession of regular bail.

After hearing the counsel for the parties, considering the facts and circumstances of the case and also in view of the fact that when the petitioner was declared a proclaimed offender and during the intervening period of 12 years, he has again committed one offence under the NDPS Act and one offence under the Unlawful Activities (Prevention) Act, 1967, registered at Police Station National Investigation Agency, New Delhi, I find no ground to grant the concession of regular bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No