

CRM-M-35150-2021(O&M) :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-35150-2021(O&M)
Date of Decision: 17.03.2022

HARINDER SINGH @ KALA

... Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.96 dated 27.05.2020 lodged under Sections 22, 61 and 85 of NDPS Act, registered at Police Station Babain, District Kurukshetra.

Since this is the third petition filed under Section 439 Cr.P.C. by the petitioner, a query was put to learned counsel for the petitioner as to what was the change in the circumstances which would warrant acceptance of this petition. He submitted that the trial had not made much progress ever since the dismissal of the previous petition on 16.02.2021.

Learned counsel for the petitioner also submitted that even recovery of 45 grams of heroin was not effected from his

conscious possession but from the dash board of the vehicle on which he alongwith the co-accused was travelling. Learned counsel prayed that since the trial was unlikely to conclude in the near future, he be extended the concession of regular bail as he had now been in custody for more than 1 ½ years coupled with the fact that two other similarly situated co-accused who too were involved in other cases had been enlarged on bail by the trial Court and a co-ordinate Bench of this Court.

Learned State while opposing the prayer of the counsel opposite submitted that charges stood framed and two prosecution witnesses had since been examined. It was submitted that the delay in the conclusion of the trial had been on account of the outbreak of the pandemic. However, since the Courts had now resumed normal proceedings, the trial would conclude shortly as all the witnesses were official witnesses.

I have heard learned counsel for the parties and perused the material on record including the FIR in question.

The petitioner is a man of criminal antecedents as he is involved in three other cases under the NDPS Act. Admittedly, the case in question was registered while the petitioner was on bail in the other three criminal cases coupled with the fact that he was apprehended with 45 grams heroin on the basis of a secret information. No doubt the recovery effected from him does not fall within the commercial category, however, in the wake of his criminal antecedents, as already observed earlier, this Court does not deem it appropriate to extend the concession of bail.

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No ground is made out to grant the regular bail.

Dismissed.

However, nothing contained hereinabove shall be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

17.03.2022

rimpall

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No