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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.35828 of 2021 (O&M)

Date of decision: 10.02.2022

Raj Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Jakhal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-1799-2022

Prayer in this application is for addition of Section 411 IPC
in the headnote and prayer clause of the main petition.

Notice of the application to counsel for the non-
applicant/respondent.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in the
Court accepts notice on behalf of the non-applicant/respondent and has
raised no serious objection to the same.

Accordingly, the application is allowed and Section 411
IPC is ordered to be added in the headnote and prayer clause of the
main petition in addition to Sections 15/22/61/85 of the NDPS Act.

The Registry is directed to make necessary addition in the
headnote and prayer clause of the main petition.

CRM-M-35828-2021 (O&M)

CASE HEARD THROUGH VIDEO CONFERENCING

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.52 dated 26.06.2021, for offence punishable under Sections 15/22/61/85 of the NDPS Act and Section 411 IPC, registered at Police Station City II Abohar, District Fazilka.

Counsel for the petitioner has submitted that as per the allegations in the FIR, ASI Harbans Singh apprehended a person, who was coming on a scooter and became perplexed. He was carrying a white colour plastic bag and tried to flee, however, his scooter became imbalance and the said plastic bag fell down. Thereafter, he was apprehended and disclosed his name as Raj Singh i.e. the petitioner. The Investigating Officer, considering the facts, sent a ruqa to the Police Station for registration of the FIR.

Counsel for the petitioner has further submitted that the recovery is of 10 Kgs of Poppy Husk and 70 intoxicant tablets and Rs.55,000/- drug money as per further investigation carried out after the information was sent to the first Investigating Officer.

Counsel for the petitioner has also submitted that the petitioner is in custody for the last about 07 months.

Counsel for the State has, however, filed the Custody Certificate and has raised an objection that the petitioner is involved in some other case. The details of which is as under:-

- 1. FIR No.78 dated 02.07.2019 under Section 15 of the NDPS Act, registered at Police Station City Jalalabad.*
- 2. FIR No.64 dated 13.06.2014, under Section 61 of the Punjab Excise Act, registered at Police Station*

CASE HEARD THROUGH VIDEO CONFERENCING

Mamdot.

3. FIR No.145 dated 22.10.2017 under Section 61 of the Excise Act, registered at Police Station Mamdot.

In reply, counsel for the petitioner has argued that the petitioner is on bail in other cases.

Be whatsoever, it is apparent that the petitioner is involved in more than 02 FIRs under the NDPS Act and whenever, he comes out on bail, he will again repeat the same offence.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No