

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

211

CRM-M-36458-2021

Date of Decision : 01.02.2022

BALBIR SINGH ALIAS HAPPY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.139 dated 02.06.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Narwana City, District Jind.

As per the prosecution version, on 02.06.2021 police party headed by SI Rajender Kumar, on the basis of secret information, apprehended the petitioner from near Devi Lal School, Narwana. On search 15.06 grams heroin was recovered from the white coloured polythene from his left pocket of the lower.

The petitioner, who is in custody since 02.06.2021, has filed the present (first) petition for grant of regular bail.

The petition has been opposed by learned State Counsel.

However, no reply has been filed by respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. Mandatory provisions of NDPS Act were not complied with. Recovery effected from the petitioner falls under non commercial category. The petitioner is involved in three other cases under the NDPS Act and he is on bail in all the three cases. The trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is a habitual offender and is involved in four other cases, out of which three are under the NDPS Act and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the petitioner being involved in three other cases under the NDPS Act showing that the petitioner is a habitual offender, absence of any material to enable this Court to prima facie hold that the petitioner has not committed the offence in question and that the petitioner will not commit any other offence under the NDPS Act in future if released on bail, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition for grant of regular bail to the petitioner is dismissed.

The observations made by this Court are strictly for the

purpose of disposal of the present petition and nothing in this order shall be treated as expression of any opinion on merits of the case so as to bind or influence the trial Court in adjudication of question of guilt or innocence of the petitioner.

01.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

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