

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

241

CRM-M-33755-2022(O&M)

Date of Decision: 05.08.2022

PALWINDER SINGH ALIAS PAMMA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.94 dated 16.07.2017, registered under Section 22 of the NDPS Act, at Police Station Lambra, District Jalandhar, the first one having been dismissed as withdrawn on 30.05.2022.

Learned counsel for the petitioner submits that at the time of registration of the FIR in July, 2017, Niranjan Singh had shown himself to be posted as ASI, whereas he while appearing as PW-1 before the trial Court on 05.07.2022, stated that on 16.07.2017 he was not holding the post of ASI and was drawing the salary of Head Constable; that the alleged recovery effected in the present case is a non-commercial quantity and that the petitioner has been in custody since 30.10.2021.

In support of his contentions, learned counsel for the petitioner relies upon the judgments delivered by the Coordinate Benches

of this Court in Jarnail Singh @ Jaila vs State of Punjab, 2020 (1) RCR (Criminal) 302 and in CRM-M-30809-2017 titled Lakhwinder Singh @ Lakha vs State of Punjab, decided on 18.01.2018.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner submits that the recovery was effected from the petitioner; that the petitioner was declared as a proclaimed offender on 12.07.2018 and that the petitioner was re-arrested on 30.10.2021 and since then, he has been in custody. He further submits that the petitioner is a habitual offender as there were other FIRs as well registered against him under the NDPS Act, out of which, he stands convicted in FIR No.264 dated 14.09.2013 and acquitted in FIRs No.81 and No.93 dated 19.04.2015. He further submits that, since, the petitioner had earlier absconded from the trial, there is every likelihood of him repeating the said offence, if granted bail.

I have heard the learned counsel for the parties.

Recovery was effected from the petitioner. The petitioner remained absconding himself from the trial proceedings for a considerable period of 3 years. He stands convicted in one NDPS case. Thus, the possibility of the petitioner indulging himself again into similar crime, cannot be ruled out.

In view of the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

05.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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