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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40350-2021
Date of Decision:09.02.2022

Sumit @ Lala

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Parashar, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.03 dated 06.01.2021, under Section 22 (c) of NDPS Act (Section 27A of NDPS Act added later on), registered at Police Station Hisar Civil Lines, District Hisar.

At the outset, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has raised a preliminary objection by stating that vide Annexure P-3 this Court had dismissed the bail application of the petitioner by passing a detailed order on merits vide order dated 14.07.2021 and thereafter there has been no change of circumstance. He submitted that the present petition for grant of regular bail was not maintainable on two

grounds. Firstly, the second bail application would not be maintainable unless there is a change of circumstance which should be just and reasonable especially when a detailed order has been passed on 14.07.2021 considering all the aspects of the matter and secondly, there has been a huge recovery of 76000 tablets of Tramadol Hydrochloride with a total weight of 26 Kg. which is much more than even the commercial quantity, although from the co-accused but the petitioner has been charged under Section 27A of the NDPS Act and, therefore, the bail application was also barred under Section 37 of the NDPS Act.

However, the learned counsel for the petitioner submitted that after the dismissal of the earlier bail application charges have been framed on 18.08.2021 but no prosecution witness has been examined and, therefore, considering the custody of the petitioner which is from 10.01.2021, he may be considered for the grant of regular bail.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 10.01.2021 but his earlier bail application was dismissed by this Court by passing a detailed order on merits on 14.07.2021. However, the present petition has been filed on 20.09.2021 which is almost two months after the dismissal of the earlier petition. The framing of charges in between is not a just and reasonable circumstance so as to entertain the present second successive petition after a short span of time particularly when no prosecution witness has been examined till date.

In view of the aforesaid position, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.02.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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