

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

CRM-M-35694-2020 (O&M)

Date of decision: 26.04.2022

Balwinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.63 dated 31.07.2019, registered at Police Station Majri, District SAS Nagar, Punjab, under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 473 IPC added later on).

Learned counsel for the petitioner states that the petitioner was picked up by the police on 30.07.2019 from the Toll Plaza, Kurali Siswa Road, which is evident from the footage recorded in the CCTV Cameras installed at the said Toll Plaza, whereas, the FIR in question was registered on 31.07.2019 by concocting a false story. It is further submitted that the false implication of the petitioner is further apparent from the very fact that on the recovery memo, the case details along with the nature of offences were already recorded. The said fact shows that a false story had been concocted against the petitioner.

Learned counsel for the petitioner would further submitted that as regards the other cases registered and/or pending against the petitioner, in

most of the cases either the cancellation reports have been filed or the petitioner stands acquitted and that as of now in the remaining four cases, the petitioner is on bail and that moreover, in the said cases, no recovery was effected from the petitioner. It is further submitted that that similarly placed co-accused –Amrik Singh, has already been granted bail by this Court vide order dated 16.01.2020.

Learned State counsel, while opposing the prayer for bail, submits that the petitioner is a habitual offender and is involved in other cases under NDPS Act as well. The total recovery of 750 grams of *Heroin* i.e. 500 grams and 250 grams, was effected from the conscious possession of the petitioner and co-accused Amrik Singh, respectively. Thus, the recovery effected from the petitioner being commercial in nature, the petitioner is not entitled to the grant of bail.

I have heard the learned counsel for the parties.

The petitioner is a habitual offender and is involved in various other cases under NDPS Act. The recovery effected from the petitioner falls under the commercial quantity. Thus, keeping in view the criminal antecedents of the petitioner, this Court does not find any ground to grant the concession of regular bail to him.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

26.04.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No