

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38494-2020
Date of decision: 12.07.2022

Surinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Bhardwaj, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.

The petitioner seeks grant of regular bail in case bearing FIR No. 12 dated 02.02.2020 under Section 21 of the NDPS Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

Vide order dated 26.11.2020, the petitioner was granted interim regular bail by a Coordinate Bench of this Court.

Learned counsel for the petitioner would contend that no recovery was effected from the petitioner; that as per the prosecution version, the alleged recovery was effected by the BSF on 01.02.2020 at 5.50 p.m., whereas the petitioner was arrested on 02.02.2020 at 11.30 a.m.; the alleged recovery was effected from the fields of Hazara Singh, whereas the petitioner was arrested from the fields of Gurdeep Singh. It is further submitted that so far as another case i.e. 115 dated 08.08.2021 under Section 21 of the NDPS Act, registered at Police Station Sadar Jalalabad, is concerned, the petitioner was released on bail within the three months of the registration of the said FIR.

Counsel for the petitioner further submits that similarly placed co-accused – Sukhchain Singh, has been granted concession of regular bail by this Court vide an order of even date and, therefore, concession of regular bail is sought on the ground of parity.

On the other hand, the learned State Counsel submits that recovery of 1 Kg Heroin, one Pakistani Sim and two mobiles, was effected from the spot. It is further submitted that the petitioner along with the co-accused was approaching the place of occurrence, which had resulted into their arrest and that this speaks volumes of their complicity in the crime. He further submits that one more case under the NDPS Act, stands registered against the petitioner.

I have heard learned counsel for the parties.

Though the petitioner was granted interim regular bail by the Coordinate Bench on 26.11.2020, yet the fact remains that the petitioner is involved in one more case under the NDPS Act. Mere fact that the petitioner was released on bail within three months of the registration of the said case, is no ground to negate the criminal antecedents of the petitioner. From the facts on record, it transpires that the petitioner is a habitual offender.

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

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

12.07.2022
ds

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No