

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

CRM-M-45164-2021 (O&M)

Date of decision: 05.04.2022

Shampy Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No. 42 dated 30.03.2021 registered under Sections 22 and 29 of the NDPS Act, 1985, at Police Station Amargarh, District Sangrur.

Custody certificate dated 04.04.2022 issued by the Additional Superintendent, Central Jail, Patiala, submitted by the learned State counsel in the Court, is taken on record.

The status report dated 18.01.2022 filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he has falsely been implicated in the present case on

the disclosure statement of co-accused Mani Kaur, from whom the alleged recovery has already been effected; that during interrogation on 31.03.2021, Mani Kaur named Suman Singh, but on 01.04.2021, she named the petitioner and the petitioner was brought on production warrants from District Jail, Barnala; that that the petitioner has been in custody since 05.04.2021 and that as far as other two FIRs are concerned, pertaining to the year, 2013 and 2014, his sentence has been suspended in both the cases by this Court.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the petitioner is a habitual offender and is involved in two other cases under NDPS Act. The recovery effected in the present case, falls under the commercial quantity, therefore, the petitioner is not entitled for regular bail.

I have heard the learned counsel for the parties.

As noticed above, the petitioner is a habitual offender and is involved in two other cases under NDPS Act and the recovery effected in the present case, falls under the commercial quantity. Hence, keeping in view the criminal antecedents of the petitioner, I do not find any ground to grant him the concession of regular bail.

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

(HARNARESH SINGH GILL)
JUDGE

05.04.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No