

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226

CRM-M-42712 of 2022

Date of Decision:21.09.2022

Kailash Labana

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gurkanwal Kaur, Advocate, for
Mr. Sandeep Arora, Advocate,
for the petitioner.
Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of interim regular bail for one seek to the petitioner in FIR No.57 dated 07.04.2019, under Section 20 of the NDPS Act, 1985, registered at Police Station Bhogpur, District Jalandhar.

The petitioner had earlier filed a bail petition vide CRM-M-15300 of 2022 which was dismissed on 13.05.2022. There was an alleged recovery of four kgs. of charas which falls under commercial quantity. When the earlier bail application was taken up, it was pointed out by the learned State counsel that the petitioner is also involved in one other case of NDPS Act in the State of Gujarat and he was lodged in the jail in Gujarat from where he absconded and thereafter, he was apprehended by the police in the State of Punjab. The relevant portion of the order dated 13.05.2022 is reproduced as under:-

“On the other hand, Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab has submitted on instructions that

although the petitioner is in custody from 07.04.2019 but the petitioner is a habitual offender. He further submitted that the petitioner is also involved in another case of NDPS Act in the State of Gujarat and he was lodged in the jail in Gujarat from where he absconded and thereafter, he was apprehended by the police in the State of Punjab in the present case. He further submitted that thereafter the petitioner was admitted to the Ahmedabad jail in the year 2019 which may have resulted in delay of the trial. He further submitted that there was a recovery of 4 Kgs. of charas each from the two accused which they were carrying which falls in the commercial quantity under the NDPS Act and, therefore, hit by the bar contained under Section 37 of the NDPS Act. He further submitted that there is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.”

The present petition has been filed for grant of interim bail for one week on the ground that the financial position of the family of the petitioner is not good and he wants to make arrangements. Such a plea would not be sustainable in view of the fact that earlier the petitioner had absconded from the Gujarat jail and thereafter he was arrested by the police of the State of Punjab.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

September 21, 2022

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