

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-49426-2021

Date of decision:- 11.03.2022

Jaskaran Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishal Khatri, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of bail pending trial in FIR No.59 dated 16.05.2018, registered for offences under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), at Police Station Chohla Sahib, District Tarn Taran, Annexure P-1.

As per the version of the prosecution, two persons were found to be moving together in suspicious circumstances. On spotting a police vehicle, one of them quickly sat in a car and sped away, whereas the other person, was arrested, who identified himself as Gurjant Singh and recovery of 520 grams of *heroin* was effected from him. On questioning, he disclosed that his accomplice was Jaskaran Singh (present petitioner), who was carrying another 500 gram of *heroin*. Jaskaran Singh was arrested on 27.11.2019 in FIR No.121 dated 10.11.2019, registered under Section 21 of the NDPS Act, Section 379 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, at Police Station Bhikhiwind, Amritsar. Recovery of 20 grams of *heroin* and a vehicle was made from him.

Counsel for the petitioner has submitted that the first two petitions filed by the petitioner were withdrawn, after arguments, in July, 2020 and March, 2021, respectively. He urges that no recovery has been effected from the petitioner in the present case and he has been roped in on the basis of a confessional statement of a co-accused, who has been released on regular bail by this Court. It is his submission that in view of the custody period of the petitioner, he deserves to be released on bail.

Per contra, State counsel has opposed the petition upon instructions from ASI, Gurmukh Singh, and has submitted that the petitioner is involved in a number of criminal cases, which he has not disclosed in the petition, and was declared a proclaimed offender on 01.07.2019. He submits that the car recovered from the petitioner belongs to his father and after the arrest of the petitioner, supplementary challan against him has been presented on 22.05.2020 and the proceedings before the Trial Court are fixed for 24.03.2022 for consideration on framing of charge.

I have heard counsel for the parties and considered their respective submissions.

The petitioner is involved in ten other criminal cases, the details of which are as under:-

1. FIR No.122 dated 23.12.2010, registered for offences under Sections 307, 326, 336, 148 and 149 of the Indian Penal Code, 1860, at Police Station Valtoha.
2. FIR No.25 dated 10.04.2013, registered for offences under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860, at Police Station Valtoha.
3. FIR No.139/14, registered for offences under Sections 336 and 506 of the Indian Penal Code, 1860, at Police Station Bhikhiwind.

4. FIR No.20 dated 20.03.2017, registered for offences under Sections 307, 148 and 149, and Section 25 of Arms Act, 1959, at Police Station Valtoha.
5. FIR No.5 dated 09.01.2018, registered for offences under Sections 302, 307, 148 and 149 and Section 25 of Arms Act, 1959, at Police Station Valtoha.
6. FIR No.118/18, registered for offence under Section 21, of the NDPS Act, 1985, at Police Station Lahoaia.
7. FIR No.14 dated 16.03.2019, registered for offences under Sections 457 and 380 of the Indian Penal Code, 1860, at Police Station Valtoha.
8. FIR No.106 dated 05.11.2019, registered for offence under Section 188 of the Indian Penal Code, 1860, at Police Station Valtoha.
9. FIR No.111 dated 13.11.2019, registered for offence under Section 174-A of the Indian Penal Code, 1860, at Police Station Valtoha.
10. FIR No.121 dated 10.11.2019, registered for offences under Section 21 of the NDPS Act, 1985, Section 379 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, at Police Station Bhikhiwind.

The petitioner has not disclosed his criminal past. He has suppressed that he has been convicted in FIR No.122 dated 23.12.2010, registered for offences under Sections 307, 326, 336, 148 and 149 of the Indian Penal Code, 1860, at Police Station Valtoha and an appeal against conviction and sentence (CRA-S-3979-SB-2014) is pending before this Court. Vide order dated 27.11.2014, passed by this Court, the sentence imposed upon the petitioner was suspended and after being enlarged on bail, he has been involved in a number of criminal cases, including the present one. The order passed by this Court releasing co-accused, Gurjant

Singh, on bail, will not help the petitioner, as co-accused was not involved in any other criminal case.

Keeping in view the criminal antecedents of the petitioner, his involvement in serious and heinous offences, the fact that he has been declared a proclaimed offender, is a convict and has not approached this Court with clean hands, this Court is of the view that he is not entitled to the concession of bail during the pendency of the trial.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

11.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No