

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

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CRM-M-50130-2021 (O&M)

Date of Decision: 28.09.2022

GURDEV SINGH ALIAS SUKHDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

HARNARESH SINGH GILL, J.(Oral)

With no objection from the earlier counsel, Mr. Monty Goyal, Advocate has filed a fresh power of attorney on behalf of the petitioner. The same is taken on record.

The petitioner, by way of the instant petition, seeks regular bail in case bearing FIR No.183 dated 16.10.2021, registered under Sections 18 and 29 of the NDPS Act, at Police Station City Moga, District Moga.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner; that the petitioner has falsely been indicted in the present case and that too on the basis of the disclosure statement of co-accused, namely, Gurpreet Singh, from whom the alleged recovery of 24 kg opium and Rs.4,00,000/- was effected; that, as per the disclosure statement of Gurpreet Singh, the allegation against the

petitioner is that the contraband recovered from him was to be delivered to the petitioner and that the petitioner has been in custody since 20.10.2021. He further submits that there is neither any link evidence nor call details to connect the petitioner in the present case.

In support of his contentions, learned counsel for the petitioner relies upon the order passed by a Coordinate Bench of this Court on 20.09.2022 in CRM-M-34680-2022 titled Virsa Singh vs State of Punjab.

Per contra, learned State counsel, while opposing the prayer for regular bail, submits that the petitioner is a habitual offender with criminal antecedents, inasmuch as, seven more FIRs, under the NDPS Act are, registered and/or pending against him. Out of said cases, the petitioner stands convicted in three cases, acquitted in two and remaining two are under trial. He further submits that the petitioner has specifically been named in the disclosure statement of co-accused, namely, Gurpreet Singh and that in case the petitioner is granted the concession of bail, he may involve himself in similar or graver nature of offences again. Still further, it is submitted that post presentation of the challan, the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Gurpreet Singh, in his disclosure statement has specifically named the petitioner, to whom the contraband was to be delivered.

As noticed above, there are seven more FIRs registered and/or pending against the petitioner, under the NDPS Act. Thus, having

had his complicity in the repeated offences, the petitioner is not entitled to the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar or graver offence(s).

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

28.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No