

CRM-M-51528-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51528-2021
Reserved on: 12.01.2022
Pronounced on : 04.02.2022

Satnam @ Kaka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Maninder Singh Saini, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
88	26.06.2021	Garhshankar, District Hoshiarpur, Punjab	22(C) of NDPS Act and Section 25 of Arms Act

1. The petitioner, incarcerated upon his arrest has come up before this Court seeking bail under Section 439 CrPC, for possessing a commercial quantity of injections containing Buprenorphine Hydrochloride, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
2. In paragraph 11 of the petition, it is declared that the petitioner is accused in other case/FIR apart from the present FIR. However, the petitioner did not give details and particulars.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. While opposing the bail, the contention on behalf of the State is that drug menace is increasing every day.

REASONING:

5. Had the accused not received the documents in compliance with S. 207 CrPC, this Court would have certainly asked the respondent to produce the same. However, the petitioner does not claim the non-receipt of the challan. The accused receives copies of the Police report and the copies of the statements of witnesses free of cost.

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6. The allegations in the case are serious and the offence heinous, including recovery of a pistol with one live round. To decide the bail petition on merits would require this Court to peruse the evidence collected by the prosecution. The petitioner has neither annexed the copy of the police report filed under Section 173(2) CrPC, nor does he say that the Trial Court did not supply the same to him under S. 207 CrPC. There is no ground pleaded or explanation offered regarding reasons that constrained the petitioner from annexing those while filing the petition. Thus, the Court cannot decide the bail petition.

7. Given above, In the facts and circumstances peculiar to this case, the petition is dismissed. However, the petitioner shall be at liberty to file a new petition on the same cause of action by annexing a copy of the police report and all necessary documents.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 04, 2022

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Whether speaking/reasoned: Yes

Whether reportable: No.